

further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Bricklayers and Plasterers' Union No. 6, of New Haven, Conn., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of New Haven, Conn., concerning river and harbor improvements—to the Committee on Rivers and Harbors.

By Mr. THAYER: Protest of the Worcester (Mass.) Board of Trade, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. WARNER: Resolutions of Central Lodge, No. 22, Brotherhood of Locomotive Firemen, Urbana, Ill., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 11704, for the relief of Lafayette B. Jacobs—to the Committee on Invalid Pensions.

SENATE.

MONDAY, April 7, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PROTECTION OF MINERS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARK of Montana. I move that the Senate insist on its amendment and agree to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CLARK of Montana, Mr. CLARK of Wyoming, and Mr. KEARNS were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

A bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;" and

A bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. BERRY presented a petition of sundry citizens of Jacksonport, Ark., praying that an appropriation of \$10,000 be made for the purpose of dredging the bar of the White River at that place; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of Bill Posters and Billers' Union No. 9517, American Federation of Labor, of Denver, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 77, Order of Railroad Telegraphers, of Denver, Colo., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Colorado, praying for the enactment of legislation to amend the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a petition of Federal Labor Union, No. 7390, American Federation of Labor, of Central City, Ky.,

praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of Lodge No. 38, Brotherhood of Railroad Trainmen, of Trenton, N. J., praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Essex Trades Council, of Newark; of Feeders and Assistant Pressmen's Union No. 19, of Newark, and of Local Union No. 169, of Jersey City, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Local Division No. 85, Order of Railroad Telegraphers, of Trenton, N. J., and a petition of Local Division No. 74, Order of Railroad Telegraphers, of Elizabeth, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Belvidere, Columbia, Hazen, Cornish, Oxford, and New Village, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Kosciuszko Benefit Society, of Perth Amboy; of the Sobieski Society, of Perth Amboy, and of the Sigismont Society, of Perth Amboy, all in the State of New Jersey, praying that an appropriation be made for the erection of a bronze statue in the city of Washington, D. C., to the memory of Brig. Gen. Count Casimir Pulaski; which were referred to the Committee on the Library.

Mr. PLATT of New York presented a petition of the Levi P. Morton Club, of Brooklyn, N. Y., praying that David Parker, a veteran of the civil war, be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of Typographical Union No. 6, of New York City, remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of H. G. Brooks Lodge, No. 169, Brotherhood of Locomotive Firemen, of Hornellsville; of Brewery Engineers and Firemen's Local Union No. 80, of Buffalo, and of the Branch Stone Cutters' Association of Buffalo, all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Coopers' International Union No. 2, of New York City; of the East Side Republican Club of the Twentieth assembly district, of New York City, and of the Levi P. Morton Club, of Brooklyn, all in the State of New York, praying for the enactment of legislation increasing the salary of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation amending the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of the Italian Typographical Union, No. 261, of New York City, and of Power City Lodge, No. 316, International Association of Machinists, of Niagara Falls, in the State of New York, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Greenport and Brooklyn, in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented memorials of sundry citizens of New York City, Brooklyn, Fordham, Yonkers, and Melrose, all in the State of New York, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of the board of aldermen of New York City, N. Y., praying that an appropriation be made to deepen Buttermilk Channel, in the Bay of New York, in the interest of the commerce of that port and the safety of shipping; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented a petition of the Retail Grocers' Association of Michigan City, Ind., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 8065, American Federation of Labor, of Glezen, and of Painters and Decorators' Local Union No. 227, American Federation of Labor, of Hartford, in the State of Indiana, praying for the enactment of

legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Retail Clerks' Local Union No. 286, American Federation of Labor, of Brazil, Ind., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. QUAY presented a petition of the Allied Printing Trades' Council, American Federation of Labor, of Philadelphia, Pa., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Finley Patch Post, No. 137, Department of Pennsylvania, Grand Army of the Republic, of Blairsville; of the Mrs. Sarah Rice Circle, No. 104, of Factoryville; of the Lieutenant James M. Lysle Circle, No. 6, of Allegheny; of the Ladies of the Grand Army of the Republic, all in the State of Pennsylvania, praying for the enactment of legislation providing pensions for certain officers and enlisted men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to \$12 per month; which were referred to the Committee on Pensions.

Mr. CLAY presented a petition of Local Division No. 368, Brotherhood of Locomotive Engineers, of Atlanta, Ga., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Colebrook, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BATE presented a petition of the Switchmen's Local Union No. 127, of Memphis, Tenn., and a petition of Trunk and Bag Workers' Local Union No. 10, of Nashville, Tenn., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. McMILLAN presented a petition of Ship Carpenters' Local Union No. 8511, American Federation of Labor, of West Bay City, Mich., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. HOAR presented petitions of Boot and Shoe Workers' Local Union No. 252, of Brookfield; of Boot and Shoe Workers' Local Union No. 48, of Rockland, and of Boot and Shoe Workers' Local Union No. 56, of Beverly, all in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented the memorial of A. C. Stoddard and 55 other citizens of North Brookfield, Mass., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Boot and Shoe Workers' Local Union No. 56, of Beverly, Mass., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

Mr. DEPEW presented a petition of Auxiliary No. 24, Ladies of the Union Veterans' League, of Jamestown, N. Y., praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing the pensions of widows of soldiers to \$12 per month; which was referred to the Committee on Pensions.

He also presented a petition of the Eight-Hour League of America, of Brooklyn, N. Y., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the internal-revenue laws, relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Building Trades Council, American Federation of Labor, of Yonkers, N. Y., and a petition of the East Side Republican Club, of New York, N. Y., praying for the enactment of legislation to increase the salary of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Confectioners' Local Union No. 7, of New York; of the Painters, Decorators, and Paperhangers' Union of Hornellsville, and of Local Union No. 367, of Seneca Falls, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Samuel J. Hood Post, No. 91, Department of New York, Grand Army of the Republic, of Medina; of Local Union No. 212, of Newark; of the Granite Cutters' National Union of Garrison on Hudson, and of Milkmen's Protective Union No. 8744, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Coremakers' Local Union No. 24, of Depew; of Bakers' Local Union No. 105, of Geneva; of Confectioners' Local Union No. 7, of New York; of Bricklayers and Masons' Local Union No. 81, of Auburn; of Local Union No. 212, of Newark; of Typographical Union No. 261, of New York; of Granite Cutters' National Union of Garrison, all of the American Federation of Labor; of Local Division No. 104, Order of Railway Conductors, of Middletown; of Local Division No. 54, Order of Railway Conductors, of New York; of Lodge No. 316, International Association of Machinists, of Niagara Falls, and of sundry citizens of Greenport, New York City, and Brooklyn, all in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. BURROWS presented a petition of Local Division No. 182, Order of Railway Conductors, of Jackson, Mich., praying for the enactment of legislation to promote the safety of employees and travelers upon railroads; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Bricklayers' Local Union No. 15, of Jackson; of the Central Labor Union of Saginaw; of Local Union No. 356, of Hancock, and of the Trades and Labor Council of Lansing, all of the American Federation of Labor, in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the executive committee of the Michigan State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Plumbers, Steam and Gas Fitters' Local Union No. 190, American Federation of Labor, of Ann Arbor, Mich., and a petition of Charles T. Foster Post, No. 42, Department of Michigan, Grand Army of the Republic, of Lansing, Mich., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Fuller & Rice Lumber and Manufacturing Company, of Grand Rapids; of John L. Dexter & Co., of Detroit; of the Holly Milling Company, of Holly; of E. Middleton & Sons, of Greenville; of the Huron Milling Company, of Harbor Beach; of the Voigt Milling Company, of Grand Rapids; of the Alma Roller Mills, of Alma; of the Farmers' Club, of Albion; of the White Pigeon Roller Mills, of White Pigeon, and of the Merchants and Manufacturers' Exchange, of Detroit, all in the State of Michigan, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented the petitions of Alfonso Pullen, of Augusta; of Philias Gorant, of Augusta; of Ziba H. Keene, of Augusta; of S. B. Chapin, of Augusta; of Louis Aequil, of Augusta, and of Ira H. Foster, of Augusta, all in the State of Maine, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 280) to provide for enlarging the public building at Kalamazoo, Mich., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 653) for the erection of a public building at Meriden, Conn., reported it with amendments, and submitted a report thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1934) to provide for the purchase of a site and the erection of a public building, thereon at Biloxi, in the State of Mississippi, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4053) granting an increase of pension to Henry E. De Marse; and

A bill (H. R. 10957) granting an increase of pension to Mary E. Stockings.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 11096) to confer

jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900, reported it with an amendment, and submitted a report thereon.

NATIONAL GALLERIES OF HISTORY AND ART.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound in paper 2,500 copies of part 1, Senate Document 209, first session Fifty-sixth Congress, being a petition of Franklin Webster Smith for the site of the old Naval Observatory for the National Galleries of History and Art, which shall be for the free distribution to visitors at large to the establishment known as the Halls of the Ancients, in the city of Washington, D. C.

PUBLICATIONS OF THE GEOLOGICAL SURVEY.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 74) relating to publications of the Geological Survey was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the publications of the Geological Survey shall consist of the annual report of the Director, which shall be confined to one volume, of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; Mineral Resources, of ordinary octavo size; Water-Supply and Irrigation Papers, of ordinary octavo size, and such maps, folios, and atlases as may be required by existing law.

That hereafter the reports of the Geological Survey, except the annual report of the Director, shall be published in editions as recommended in each case by the Director and approved by the Secretary of the Interior, but not to exceed 10,000 copies.

That whenever the edition of any of the reports of the Survey shall have become exhausted, and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the Director of the Survey shall state will, in his judgment, be necessary to meet the demand.

That the Bulletins and Professional Papers shall be distributed gratuitously and not sold; and that, of the number published, 1,000 copies shall be delivered to the Senate and 2,000 copies shall be delivered to the House of Representatives for distribution.

That the provision of law approved June 11, 1896, restricting the Water-Supply Papers to 100 pages and to editions of 5,000 copies shall be, and hereby is, rescinded.

That the Director of the Survey shall transmit to the Library of Congress two copies of every report of the Bureau as soon as the first delivery to the Survey is made, such copies to be additional to those received by the Library of Congress under existing law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. TELLER. From what committee does it come?

The PRESIDENT pro tempore. The Committee on Printing.

Mr. TELLER. I think it had better be printed. It seems to me to be a pretty important measure.

Mr. PLATT of New York. It is indorsed by the Secretary of the Interior.

Mr. TELLER. No one can know anything about it from hearing it read at the desk. I do not see any necessity for pressing it this morning. I myself should like to look at it.

Mr. PLATT of New York. All right.

The PRESIDENT pro tempore. Objection being made to the present consideration of the joint resolution, it will be placed on the Calendar.

COURTS IN NORTH CAROLINA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 184) to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C., to report it back favorably without amendment, and I ask for its present consideration. It is very short.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANATOMICAL BOARD OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. On the 13th day of March the Senate passed a bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia. The bill likewise passed the House of Representatives and was recalled from the President for amendment. I now report an original bill embodying certain amendments, and I ask consent that it be considered at the present time.

The bill (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there shall be, and is hereby, created, in and for the District of Columbia, a board for the control of the dead human bodies

hereinafter described, and for the distribution of such bodies among and to the schools in said District conferring the degree of doctor of medicine or doctor of dental surgery, or both; the Post Graduate School of Medicine, incorporated by an act of Congress approved February 7, 1896, entitled "An act to incorporate the Post Graduate School of Medicine of the District of Columbia;" the medical schools of the United States Army and Navy; the medical examining boards of the United States Army, Navy, and Marine-Hospital Service; and the board of medical supervisors of the District of Columbia. Said board shall be known as the anatomical board of the District of Columbia, and shall consist of the health officer of said District and two representatives from each school aforesaid actually engaged in teaching, to be selected by and from the faculty thereof in accordance with the by-laws of such faculty, except in the case of the medical schools of the United States Army and Navy, the representatives from which shall be selected and detailed by the Surgeon-General of the Army and the Surgeon-General of the Navy. Said health officer shall call a meeting of said anatomical board for organization at a time and place to be fixed by said health officer as soon as practicable after the passage of this act. Said anatomical board shall have full power to establish by-laws for its government and to appoint and to remove proper officers and agents, and shall keep full and complete records of its transactions and of all material facts pertaining to the receipt and distribution of bodies. Said records shall be open at all times for inspection by any member of said anatomical board and by the United States attorney for the District of Columbia.

SEC. 2. That every public officer, agent, and servant, and every officer, agent, and servant of any and every almshouse, prison, jail, asylum, morgue, hospital, and other public institutions and offices having charge or control of dead human bodies requiring to be buried at public expense, shall notify said anatomical board, or such person as may be designated by the said board, whenever any dead human body comes into his possession, charge, or control for burial at public expense. And every such officer, agent, and servant shall, upon application by said anatomical board or its agent, without fee or reward, and complying with the laws and regulations governing the removal of dead human bodies in the District of Columbia, deliver every such body to said board and permit said board or its agent to take and remove the same. The notice aforesaid shall be given in writing and forwarded to said anatomical board within twenty-four hours after said officer, agent, or servant comes into possession, charge, or control of such body for burial, and shall include such material information as said board may designate. But no such body shall be delivered if the deceased person, during his last illness, without suggestion or solicitation, requested to be buried or cremated; or if within the time specified above and before the actual delivery thereof any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage to the deceased shall claim the said body for burial or cremation, or request in writing that it be buried at public expense; or if within the time specified above and before actual delivery any person claiming to be and satisfying the officer in charge of such body that he is a friend of the deceased arranges to have the same properly buried or cremated without expense to the District; or if the deceased person was a traveler who died suddenly; but in any such case said body shall be buried or delivered to said applicant for burial.

SEC. 3. That the said anatomical board may receive the bodies reported to it as aforesaid, and may distribute and deliver such as are received among and to such of the schools and boards entitled thereto as request in writing to receive the same, except as otherwise expressly directed in this act. Each such school and board shall receive annually, as nearly as may be practicable, such proportion of the entire number of bodies distributed as the number of students enrolled and in regular attendance at such school, and the number of candidates appearing for examination before such board, respectively, engaged bona fide at such school, or examined by said board in dissecting and operative surgery on the cadaver, bears to the total number of students so enrolled in attendance, and engaged, and of persons so examined, in the District of Columbia. The secretary, dean, or other proper officer of each such school and board shall report to said anatomical board the names of all such students in attendance at such school or persons examined by said board, as the case may be, at such times and in such form as said board may direct. All bodies shall be delivered among such schools and boards in regular order, so as to maintain, as nearly as may be practicable, an equitable allotment at all times; and bodies assigned to any school or board in regular order and refused by such school or board without sufficient cause shall be charged against the quota of such school or board in such manner as not to prejudice any other school or board. But no body shall be delivered to any school or board unless within not less than twenty-four hours prior to such delivery notice of the death has been given by said anatomical board to the nearest known kinsman, relative by marriage, or friend of the deceased, or if none such be known, published by said anatomical board at least once in a daily newspaper published in the city of Washington, in the District of Columbia. The notice required by this section shall be deemed to have been given if served in writing on the person to be notified, or if left at his usual place of residence with some adult person residing therein, or a member of the family of such person. Said board shall take receipts by name, or, if the name be unknown, by a description, for each body delivered; all receipts so obtained by said board shall be properly filed by it.

SEC. 4. That no school except the medical schools of the United States Army and Navy shall receive any body under the provisions of this act until said school has given bond to the District of Columbia, and the Board of Commissioners of said District has approved such bond, which said bond shall be in the penal sum of \$200 and conditioned that all bodies which said school shall receive shall be used in said District and only for the promotion of the science and art of medicine and of dentistry.

SEC. 5. That it shall be the duty of each and every officer, agent, and employee of every school and board receiving bodies under the provisions of this act to see that such bodies are used in the District of Columbia and for the promotion of the science and art of medicine and of dentistry, and for no other purpose whatsoever, and that after being so used the remains thereof are disposed of in accordance with law.

SEC. 6. That any person who shall, in the District of Columbia, sell or buy any body aforesaid, or in any way traffic therewith, or transmit or convey any such body to any place outside of said District, or cause or procure any such body to be so transmitted or conveyed, or who shall, in said District, disturb or remove, without legal permit, any body from any grave or vault, shall, on conviction thereof, be fined not more than \$200 or imprisoned in the workhouse of said District for not more than one year.

SEC. 7. That neither the United States nor the District of Columbia, nor any officer, agent, or servant thereof, shall be at any expense by reason of the delivery of any body or bodies aforesaid, except such as may be properly chargeable on account of bodies delivered to the medical schools of the Army and Navy, the medical examining boards of the Army, the Navy, and the Marine-Hospital Service, and the board of medical supervisors of the District of Columbia; but all expenses of such delivery and distribution, except as hereinbefore specified, and of said anatomical board, shall be paid by the schools receiving such bodies, in such manner as may be specified by said board and by such school in proportion to the number of bodies which it has received; and no school which has failed or refused to pay its just proportion

of such expense as determined by said board shall be allowed to receive any body or bodies, or parts thereof, while the amount so due remains unpaid.

SEC. 8. That any person having any duty enjoined upon him by the provisions of this act who willfully neglects, refuses, or fails to perform the same, shall, upon conviction thereof, be punished by a fine of not more than \$100 or by imprisonment in the workhouse of the District of Columbia for not more than one year.

SEC. 9. That all prosecutions under this act shall be in the police court of the District of Columbia, on information brought in the name of said District on its behalf.

SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. GALLINGER. I ask the Secretary to read the changes made by this bill in Senate bill 2291, which was recalled after its passage by the two Houses.

The Secretary read as follows:

In section 1, page 2, line 1, after "medical," strike out "school" and insert "schools;" in the same line, after "Army," insert "and Navy;" in line 10, after "medical," strike out "school" and insert "schools;" in line 11, after "Army," insert "and Navy;" and in line 12, after "Army," insert "and the Surgeon-General of the Navy."

In section 3, page 4, line 23, after "such," strike out "school" and insert "schools."

In section 4, page 5, line 23, after "medical," strike out "school" and insert "schools;" and in line 24, after "Army," insert "and Navy."

In section 7, page 7, line 3, after "medical," strike out "school" and insert "schools;" and in line 4, after "Army," insert "and Navy."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT STERLING, ILL.

Mr. SIMMONS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1556) for the erection of a post-office building at Sterling, Ill., to report it favorably, with an amendment in the nature of a substitute.

Mr. MASON. I ask unanimous consent that the bill be placed on its passage.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information. The committee amendment, which proposes to strike out all after the enacting clause, will be read.

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Sterling and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$55,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported from the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the

purchase of a site and the erection of public building thereon at Sterling, in the State of Illinois."

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. LODGE introduced a bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4996) authorizing the President of the United States to nominate Lieut. Commander W. P. Randall, now on the retired list, to be a commander on the retired list; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4997) for the relief of the estate of Bradford Hambrick, deceased;

A bill (S. 4998) for the relief of the estate of Peter S. Baker, deceased;

A bill (S. 4999) for the relief of William C. Bragg; and

A bill (S. 5000) for the relief of the estate of Hamilton G. Bradford, deceased.

Mr. MCENERY introduced a bill (S. 5001) for the relief of Maurice Stearn, executor of the estate of Isaac Bloom, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 5002) creating a commission to inquire into the condition of the colored people of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. TELLER introduced a bill (S. 5003) granting an increase of pension to Franklin Fulton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 5004) granting an increase of pension to James Locke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5005) granting an increase of pension to Adele Paré; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5006) granting a pension to Annie P. Pinney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5007) granting an increase of pension to James Irvine; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5008) for the relief of the legal representatives of Edward Lupton, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 5009) for the relief of Theodore R. Timby; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5010) granting an increase of pension to John W. Dashiell;

A bill (S. 5011) granting an increase of pension to Mary S. Mattingly; and

A bill (S. 5012) granting an increase of pension to Albert H. Dutton.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5013) granting a pension to John J. Mefford (with accompanying papers);

A bill (S. 5014) granting an increase of pension to Isaiah Garretson (with accompanying papers);

A bill (S. 5015) granting an increase of pension to Dexter McMaster (with an accompanying paper);

A bill (S. 5016) granting an increase of pension to Robert A. Heaney (with an accompanying paper);

A bill (S. 5017) granting an increase of pension to Isaac Rhoe (with an accompanying paper);

A bill (S. 5018) granting a pension to Frances D. Richison (with accompanying papers);

A bill (S. 5019) granting an increase of pension to Hannah E. James (with accompanying papers);

A bill (S. 5020) granting a pension to Emma D. Goslin (with an accompanying paper);

A bill (S. 5021) granting a pension to Michael Aurand;

A bill (S. 5022) granting a pension to Jonathan Budd;

A bill (S. 5023) granting an increase of pension to William E. Rhyon;

A bill (S. 5024) granting a pension to Andrew F. Shields;

A bill (S. 5025) granting a pension to John W. Hurd;

A bill (S. 5026) granting an increase of pension to W. H. Neal;

A bill (S. 5027) granting an increase of pension to Liantha T. Grumley;

A bill (S. 5028) granting an increase of pension to Samuel D. Willard;

A bill (S. 5029) granting an increase of pension to Benjamin Jelloff, jr.;

A bill (S. 5030) granting a pension to Thomas W. Mathews;

A bill (S. 5031) granting an increase of pension to J. W. Shepard;

A bill (S. 5032) granting a pension to Eliza Page;

A bill (S. 5033) granting an increase of pension to Price W. Harvey;

A bill (S. 5034) granting a pension to Margaret Robison; and

A bill (S. 5035) granting an increase of pension to Henry Strouse.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5036) granting a pension to Charles A. Wheeler (with an accompanying paper);

A bill (S. 5037) granting an increase of pension to Edmond Likes; and

A bill (S. 5038) granting an increase of pension to Adam Hart (with an accompanying paper).

Mr. MASON introduced the following bills; which were severally read twice by their titles, and, with the accompany papers, referred to the Committee on Pensions:

A bill (S. 5039) granting a pension to Emma R. Wallace;

A bill (S. 5040) granting an increase of pension to Stephen G. Cole;

A bill (S. 5041) granting an increase of pension to William O. Gould;

A bill (S. 5042) granting an increase of pension to Joseph P. Maulden; and

A bill (S. 5043) granting a pension to John Hester.

Mr. MASON introduced a bill (S. 5044) for the relief of Dr. Henry Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 5047) granting a pension to E. C. Curtis; which was read twice by its title.

Mr. COCKRELL. I present the petition of E. C. Curtis, Company B, Fourth Regiment United States Artillery, for pension, verified by affidavits of Dr. S. F. Arthur, W. H. Black, S. G. Tankersley, and J. G. Dawson. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BLACKBURN introduced a joint resolution (S. R. 75) providing for the purchase of marble busts of Hon. Justin S. Morrill and Hon. D. W. Voorhees, late United States Senators from the States of Vermont and Indiana, respectively, to be placed in the Congressional Library; which was read twice by its title, and referred to the Committee on the Library.

MARY A. MOORE.

Mr. COCKRELL. On December 5 I introduced a bill (S. 898) granting an increase of pension to Mary A. Moore, which was referred to the Committee on Pensions. I move that the committee be discharged from the further consideration of the bill and that it be postponed indefinitely.

The motion was agreed to.

Mr. COCKRELL. I now introduce a new bill granting an increase of pension to Mary A. Moore, and to accompany it I present the petition of Mary A. Moore, with affidavits of Dr. John P. Bryson, L. W. Hagerman, and J. O. Churchill, and letter of L. W. Hagerman and others.

The bill (S. 5045) granting an increase of pension to Mary A. Moore was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$3,420 to pay Sandy Wallace, a laborer on the rolls of the Senate, for extra labor performed by him for the six years and three months from December 1, 1893, to March 1, 1900, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing for the appointment by the Spanish Claims Commission of not exceeding two commissioners to take testimony in the island of Cuba, and providing for their compensation; and also authorizing the said commission, in place of the two clerks now in service, to employ an assistant clerk at the rate of \$2,400 and one clerk at the rate of

\$1,600 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN submitted an amendment proposing to appropriate \$500 to pay for compiling certain papers and documents for the Committee on Interoceanic Canals, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$77.40 to pay for preparing a table of contents for reports of the Isthmian Canal Commission, being Senate Document No. 54, parts 1 and 2, and Senate Document No. 123, Fifty-seventh Congress, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$250,000 for the erection of a building to be known as "The American National Institute" on grounds donated by the municipal council of the city of Paris, France, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PENSIONS OF MAIMED EX-SOLDIERS.

Mr. GALLINGER. Mr. President, on the 25th day of March last the Committee on Pensions gave a hearing to the representatives of the United States Maimed Soldiers' League in support of the bill (S. 1887) to adjust the pensions of those who have lost limbs or are totally disabled in them or have additional disabilities. There is quite a call for the statements. The committee had 50 copies printed for its own use. I now ask that 500 additional copies be printed for the use of the Committee on Pensions. It will cost but a few dollars.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Hampshire, and the order is made.

HOUSE BILLS REFERRED.

The bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Public Lands.

ASSAY OFFICE AT PROVO CITY, UTAH.

Mr. RAWLINS. I ask unanimous consent for the present consideration of the bill (S. 150) for the establishment of an assay office at Provo City, Utah.

Mr. HALE. If the debate on the Chinese-exclusion bill is not to go on and occupy the time, I shall insist upon the Calendar being proceeded with in its regular order. As the Senator from Utah has called up this bill, I will not interfere with it, but after that is disposed of, unless the Senator from Pennsylvania goes on with the bill in his charge, I must ask that the Calendar be considered in its regular order. In that way everyone gets in instead of a few Senators having bills considered in which they are interested.

The PRESIDENT pro tempore. This bill would be in order when the Calendar is taken up, being first on the Calendar.

Mr. HALE. Then I have no objection, if the Senator from Pennsylvania does not want to go on with the Chinese-exclusion bill.

Mr. PLATT of Connecticut. What is this bill?

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill (S. 150) for the establishment of an assay office at Provo City, Utah; and, by unanimous consent, the Senate, as in Committee of the Whole, resumed its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. HALE. Now, let us go on with the Calendar.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order. The first case on the Calendar will be announced.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, was announced as next in order on the Calendar.

Mr. HALE. I object to the bill. Let it go to the Calendar under Rule IX.

The PRESIDENT pro tempore. The bill goes over and takes its place on the Calendar under Rule IX.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property" was announced as next in order on the Calendar.

Mr. HALE. Let the bill go over under Rule IX.

Mr. NELSON. I object to that course. I do not want to have the bill lose its place on the Calendar. I am willing that it shall go over, but I do not want to have it lose its place. It has gone over a number of times.

Mr. HALE. I will not make any objection to that course; but the Senator understands that there is a great deal of opposition to the bill, and it can not be discussed under the five-minute rule. It will have ultimately to go to the Calendar under Rule IX, where it will have a general discussion, and it can not be discussed under the five-minute rule. If the Senator wants it to-day to go over, retaining its place, I do not object.

Mr. NELSON. I want to have it retain its place on the Calendar.

The PRESIDENT pro tempore. What request was made as to Senate bill 2992?

Mr. GALLINGER. It went to the Calendar under Rule IX.

Mr. HALE. Senate bill 2992 goes to the Calendar under Rule IX.

Mr. GAMBLE. I would much prefer that Senate bill 2992 should retain its place on the Calendar. I think perhaps some understanding can be had in regard to it, and I ask that it be passed over without prejudice, retaining its place on the Calendar.

Mr. PLATT of Connecticut. I have no objection to that course, except that we do not know when the Calendar is going to be called, and those of us who wish to discuss bills may not be here when they are called. If a bill which has been objected to is on the Calendar to be called every morning, it may be taken up some time when those who desire to discuss such bills at length are not here, and it would be passed as a matter of course. I have no objection to the bill retaining its place, but I wish it understood that when the bill is to be considered it is to be discussed more than it can be discussed under the five-minute rule.

Mr. HALE. Now, that is precisely what I had in mind. It hinders our progress with bills that Senators desire to pass which are not objected to, when every morning we meet these bills and have them put over for a day. In the end, each of these cases will have to go to the Calendar under Rule IX, because Senators who are interested for or against them want to debate them longer than the five-minute rule permits. It is in the interest of good business to have them out of the way on this Calendar and go to the Calendar under Rule IX, and then they can be taken up regularly, on motion, and considered.

If the Senators in charge want to have these bills go over one day more I shall not, for one, object, but I will state to those Senators that in the end the bills will have to go to the Calendar under Rule IX, because they can not be discussed under the five-minute rule. Now, the Senators may take their choice and have them stay on the Calendar to-day or not, just as they please.

Mr. NELSON. I want to have Senate bill 1792 stay on the Calendar.

The PRESIDENT pro tempore. Both bills will be passed over without prejudice, retaining their places on the Calendar.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was next in order on the Calendar.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming was next in order.

Mr. HALE. The Senator from Wisconsin [Mr. SPOONER] has been objecting to the consideration of the bill, and he is not here at present.

Mr. GALLINGER. Let it go over.

Mr. HALE. Let it go over.

The PRESIDENT pro tempore. Without prejudice?

Mr. HALE. No; I do not know that it is to go over without prejudice. There is a list on the Calendar which I never heard of before, of cases "passed over without prejudice under Rule VIII." I do not know where they belong. We only know of two Calendars, the five-minute Calendar, under Rule VIII, and the other Calendar, under Rule IX. I do not know what intermediate status a bill has that is passed over without prejudice. It retains its place on the Calendar, I can understand that, and comes up every day. But I want to have the next bill go over under Rule IX. I object to it.

The PRESIDENT pro tempore. This first list was made for the convenience of Senators. It is still a part of the Calendar under Rule VIII, passed over, the cases retaining their places without prejudice. That is only for the convenience of Senators. It is practically a part of the Calendar under Rule VIII.

Mr. HALE. I suggest that in making up the Calendar for tomorrow morning the clerks make up the two Calendars, the Calendar under Rule IX and the Calendar under Rule VIII, and then we will know what is before us.

The PRESIDENT pro tempore. The Senator understands that if objection is made to the consideration of a bill under Rule VIII a motion is in order to proceed to its consideration notwithstanding the objection. But if an objection is made and nothing more occurs than the objection, it goes to Rule IX.

Mr. HALE. And if it goes over on objection, retaining its place, it is to be considered under the five-minute rule when it comes up again. I want to have the next item go under Rule IX.

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. A bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy Departments.

Mr. HALE. Let that go to the Calendar under Rule IX. I object.

The PRESIDENT pro tempore. Objection being made, it goes to the Calendar under Rule IX.

The bill (S. 4074) for the relief of Thierman & Frost was announced as next in order.

Mr. ALLISON. Let that go to the Calendar under Rule IX.

The PRESIDENT pro tempore. The bill is objected to and goes to the Calendar under Rule IX.

The bill (S. 3421) for the relief of Eleonora G. Goldsborough was announced as next in order.

Mr. BURNHAM. The Senator from Missouri [Mr. COCKRELL] understands the question involved in this bill and may desire to be present when it is considered. I am expecting him in the Chamber at any moment, and I ask that the bill may be passed over for a few minutes.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

ROBERT J. SPOTTSWOOD, ET AL.

The bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, after the word "Colorado," to strike out "ten thousand" and insert "fifteen thousand seven hundred and thirty-one;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert J. Spottswood and the heirs of William C. McClellan, deceased, of Colorado, \$15,731 as additional compensation for transporting the United States mail from Morrison to Fairplay, and from Fairplay to Leadville, in the State of Colorado, by the said Spottswood and McClellan, from the 1st day of September, 1878, to the 10th day of September, 1879.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REFUND OF PUBLIC-LAND FEES.

The bill (S. 642) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries on public lands," was considered as in Committee of the Whole.

Mr. ALLISON. I ask the Senator from Minnesota to explain the object of the change of the existing law as proposed by the bill.

Mr. NELSON. Mr. President, this is a bill which was introduced by the Senator from Oregon [Mr. MITCHELL]. It proposes to amend the existing law in two particulars. Under existing law, where homesteaders or entry claimants have made entries which have afterwards been canceled, they are entitled to have the fees which they had paid at the land office refunded. That is now the law, and the only change in that respect is to limit the return of the fees to the entryman or his legal representatives.

The other provision of the bill and the main feature of it relates to homesteaders or preemption claimants who have entered lands within the limits of railroad grants. Under all our various railroad grants within the primary limits land was put at double the minimum price—that is, at \$2.50 per acre—on the ground that the lands were near to a railroad that was to be constructed. A great many settlers have made their final proof and proved up their lands within the primary limits of those railroad grants at \$2.50 an acre; but it turns out in many cases that some of those railroad grants have been forfeited and that no railroad has actually been built.

The object of this bill—and it is strictly limited to that—is in all those cases where any part of a railroad grant has been forfeited and no railroad has actually been built the settlers within those limits shall not be charged more than \$1.25 an acre, as other

settlers are charged, and where they have been so charged they shall have the money returned—that is, the excess over and above \$1.25 an acre. This is simply to put those settlers on a par with all other homestead settlers who, outside of railroad limits, never pay more than \$1.25 an acre for Government land.

Mr. HALE. Let me ask the Senator, under the land laws, what actually happens when a projected railroad forfeits its right to build and to receive Government lands?

Mr. NELSON. The lands are placed back exactly where they had been before the railroad land grant had been made.

Mr. HALE. Have there been many cases where that has been done without legal controversy?

Mr. NELSON. Not many cases—I do not know just how many—but there have been cases where parts of land grants have been forfeited. We passed an act some years ago forfeiting certain portions of the land grants out on the Pacific coast; and there have been cases where no railroad has been actually built.

Mr. HALE. And the grant abandoned?

Mr. NELSON. Yes; the grant abandoned. The refunds under the bill are strictly limited to those cases.

I want to call the attention of the Senator to the fact that the very theory on which the price of land within railroad grants was fixed at \$2.50 an acre, instead of \$1.25, was that, being within railroad limits, the settlers, being within 10 or 20 miles, as the case might be, of a railroad, got the benefit of the proximity of the railroad, and hence they were to pay a double price for the land.

Mr. HALE. The proximity of the railroad enhances the value of the land?

Mr. NELSON. Yes; but when it has turned out that a portion of the railroad land grant has been forfeited, or the railroad has been abandoned and not built, it is not right that settlers on such lands should pay more than settlers elsewhere.

Mr. HALE. Is the Senator very sure that the bill is so limited that it only applies to such cases?

Mr. NELSON. Exactly. The bill was amended purposely to meet such cases, and it is strictly limited and guarded.

The bill was reported from the Committee on Public Lands with amendments, on page 2, line 10, after the words "General Land Office," to insert "or adjudged invalid by the final decision of a court;" in line 18, after the word "made," to insert the word "and;" in the same line, after the word "which" where it occurs the second time, to insert "portion;" in line 23, after the word "any," to strike out "money under this act," and insert "such excess payment;" on page 3, line 4, after the word "That," to strike out:

Nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railroad land grant where the road to which said grant was made has been constructed.

And to insert:

The provisions of this act as to excess payment shall not apply to any land within the primary or granted limits of any railroad land grant, or part thereof, where the railroad for which said grant was made has actually been constructed adjacent to and coterminous with such land.

So as to make the bill read:

Be it enacted, etc., That section 2 of an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled or relinquished on account of conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his legal representatives, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office or adjudged invalid by the final decision of a court; and in all cases where parties, as preemptions or homestead claimants, have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, and which portion is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the entryman who made the excess payment, or to his executor or administrator for the benefit of the estate: *Provided*, That no claim for any such excess payment shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of three years from the date when such claim shall accrue, or from the date of the approval of this act: *And provided further*, That the provisions of this act as to said excess payment shall not apply to any land within the primary or granted limits of any railroad land grant, or part thereof, where the railroad for which said grant was made has actually been constructed adjacent to and coterminous with such land."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA INDIAN LANDS IN MINNESOTA.

The bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians, in the State of Min-

nesota," approved January 14, 1899, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in section 2, on page 4, line 21, after the word "best," to strike out "permit" and insert "require;" on page 5, line 12, before the word "prior," to insert "at least six months;" in line 19, after the word "timber," to strike out "at public auction" and insert "on sealed bids;" in line 21, after the word "bids," to insert "A second notice of such sale shall be published in the newspapers above named for four weeks;" and in line 23, before the word "notices," to insert the word "last;" so as to make the section read:

SEC. 2. That section 5 of said act be amended so as to read as follows:

"SEC. 5. That whenever, and as often as the survey, examination, and lists of 100,000 acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places, and in such tracts, parcels, or districts as he may deem proper, upon sealed bids, with the right to reject any and all bids, on stumpage to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of 5 per centum of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That the Secretary of the Interior is hereby authorized to require with each and every bid such deposit in cash as he may deem proper, and said deposit shall be returned to each bidder whose bid is rejected: *Provided further*, That said timber shall not be sold at a price less than \$5 per 1,000 feet board measure: *Provided further*, That the Secretary of the Interior may increase said minimum price on portions of said timber as he may deem just and proper: *Provided further*, That said Secretary may, if he shall deem it best, require the purchaser of the timber on any tract or district to erect a mill of a capacity of not less than 20,000 feet board measure of lumber per day of ten hours, and to manufacture thereat the timber on said tract or district, said mill to be located on said tract or district, or at such place in the immediate vicinity as may be designated by said Secretary; and the said Secretary is authorized to lease to such purchaser not exceeding 320 acres of land for mill purposes, at an annual rental to be fixed by the Secretary of the Interior, for a renewable term not exceeding ten years, said term to end, in any event, so soon as the timber purchased shall have been sawed and removed, said lease of land to be exclusive of the timber thereon, which timber shall be disposed of as herein provided for other timber: *And provided further*, That at least six months prior to any sale the Secretary of the Interior shall cause notices of said sale to be inserted once in each week, for four successive weeks, in one newspaper of general circulation, published in Minneapolis, St. Paul, Duluth, and Crookston, Minn.; Chicago, Ill.; Milwaukee, Wis.; Detroit, Mich.; Philadelphia and Williamsport, Pa.; Boston, Mass., and St. Louis, Mo., of the sale of said timber on sealed bids to the highest bidder, with the right to reject any and all bids. A second notice of such sale shall be published in the newspapers above named for four weeks, the last publication of said last notices to be at least thirty days prior to said sale, said notices to state the time and place and the terms of such sale, and to contain a general description," etc.

The amendment was agreed to.

Mr. CLAPP. I desire to amend the bill. In section 2, on page 7, line 3, after the word "settlement," I move to insert "and from the operation of this act;" in line 8 to strike out the word "and," before the words "in addition," and insert a period; then, after the word "addition," to insert "to the lands heretofore designated as forestry lands there may be selected," and then to strike out the word "thereto" where it occurs in the eighth line after the word "addition."

The PRESIDENT pro tempore. The amendment offered by the Senator from Minnesota [Mr. CLAPP] will be stated.

The SECRETARY. In section 2, on page 7, line 3, after the word "settlement," it is proposed to insert "and from the operation of this act;" in line 8, after the word "acres," to strike out the word "and;" in the same line, after the word "acres," to insert a period, and in the same line, after the word "addition," to strike out "thereto" and insert "to the lands heretofore designated as forestry lands there may be selected."

Mr. COCKRELL. Now, let the language be read as it will stand if the amendment be adopted.

The PRESIDENT pro tempore. The clause will be read as proposed to be amended.

The Secretary read as follows:

Provided further, That there shall be reserved from sale or settlement and from the operation of this act the timber and land on the islands in Cass Lake and in Leech Lake and not to exceed 160 acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates 7,000 acres. In addition to the lands heretofore designated as forestry lands, there may be selected not to exceed 10 sections in area on said reservations last aforesaid, to be selected by the forester of the Department of Agriculture, with the approval of the Secretary of the Interior.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Minnesota [Mr. CLAPP].

The amendment was agreed to.

Mr. ALLISON. Mr. President, this is a very important bill, and it seems to have been very carefully drawn. I think, however, in view of its importance, the Senator from Wisconsin [Mr. QUARLES] who reported the bill should give a brief statement of the effect of it when it shall become a law.

Mr. QUARLES. Mr. President, the first feature of this bill which is entitled to attention is the repeal of the so-called "dead-and-down act," under which certain scandals have arisen and under which it is claimed that the Indians have been defrauded

out of many thousands of dollars. That is repealed. In the next place, the effort of this bill is to secure for the last remaining great body of pine east of the Rocky Mountains—in behalf of the Indians, of course—the very best price that can be obtained.

The leading feature of the bill in that regard is the provision which authorizes the Secretary of the Interior—indeed, requires him—before selling any portion of the pine timber to give notice of six months through the leading newspapers of this country of the fact that six months hence he will offer for sale on sealed bids such quantities as he may select of this body of pine.

The bill also provides that within thirty days of the expiration of that period of six months another similar notice through the medium of these newspapers shall again be given. The object, of course, of that provision, as every Senator will see, is, first, to give the lumbermen of other States than the State of Minnesota ample time to come in and examine this pine timber and find out how much timber there is on each section of land; so the lumbermen from the State of my honorable friend the Senator from Iowa [Mr. ALLISON] will have ample time to go and familiarize themselves with the value of the pine in each particular section of this great body of timber. Then before the sale takes place this second notice is given. Therefore, there can be no claim that the lumbermen of all the States have not been apprised of the fact that this sale is to take place.

Now, the committee have changed the bill in one respect. As originally drawn, it provided for an auction sale. We have thought it better to have the sale proceed along the line of sealed bids, so that the Iowa lumbermen, for instance, who have examined the pine may come in intelligently and make their sealed bids, accompanied with so much cash as may be required and with such a bond as the Secretary of the Interior may think fit to exact to carry out the obligations.

Then, to the Secretary is reserved the right to reject any or all bids. So we are protected in that way from any possible combination among the bidders. Whenever the Secretary has determined which of these bids is the most advantageous, he then proceeds to make a contract; and of course I need not follow the process any further than that.

In regard to scaling, the theory of this bill is that not a log shall be taken off from any reservation until it has been paid for. It is scaled by the process known as the bank scale, and the Government employs the scalers, and the bidder must pay the cash before he takes the logs away at all.

Another feature of the bill, which we regard as important, directs the Secretary of the Interior to demand and to require that the purchaser shall saw the logs on the reservation and give the Indians an opportunity to be employed in every process of that work so far as they may. A sawmill is in a sense a civilizer when taken on one of these reservations, and we regard that as one of the important features of the bill.

The Interior Department, I will say, has conferred carefully in regard to the bill and is thoroughly in accord with the scheme of the committee. I need not mention, probably, the forestry feature of the bill, because the casual reading of it would suggest that feature to anyone.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LABELING OF CHAMPAGNE.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

REPEAL OF WAR-REVENUE TAXATION.

Mr. ALDRICH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 18, and agree to the same.

NELSON W. ALDRICH,

W. B. ALLISON,

G. G. VEST,

Managers on the part of the Senate.

SERENO E. PAYNE,

JOHN DALZELL,

Managers on the part of the House.

Mr. JONES of Arkansas. Mr. President, I regret very much that the conference committee has agreed to take the action recommended in this report. I believe that the tax ought to remain on bucket shops, and I should be glad to have it extended so as to include all other transactions of the same kind. I have some tele-

grams from people at home urging me to vote for this proposition. One comes from Conway, in my State, and reads:

MARCH 31, 1902.

We respectfully request you to vote to repeal the war tax on all grain and stock trade transactions whenever executed on or off an exchange by any broker. To remove it from board of trade and stock exchanges and not from individual brokers gives them a monopoly of this business. This means that every cotton transaction must be done in New York or New Orleans, and will work a great hardship on the people of this section, as it will drive the nonexchange brokers out of business and deprive the smaller towns of the market reports, which under the present system they have, and which is of great benefit to them. Knowing your antipathy to monopoly, we feel confident you will vote to repeal the war tax in its entirety, to treat all alike.

J. W. James, Lee Swartz, Joe Frauenthal, W. E. Cox, W. M. Harrell, Max Frauenthal, W. B. Stark, H. O. Moore, S. G. Smith, B. L. Horton, B. F. Witt, J. A. King, L. P. Pyle, Geo. A. Pine, W. B. Young, Conway Cotton Oil Company, Henry Frauenthal, B. F. Spencer.

A similar telegram, coming from Morrillton, is as follows:

MARCH 31, 1902.

We respectfully request you to vote to repeal the war tax on all grain and stock transactions whenever executed on or off an exchange by any broker. To remove it from board of trade and stock exchanges and not from individual brokers gives them a monopoly of this business. This means that every cotton transaction must be done in New York or New Orleans—will work a great hardship on the people of this section, as it will drive nonexchange brokers out of business and deprive the smaller towns of the market reports, which under the present system they have, and which is of great benefit to them. Knowing your antipathy to monopoly, we feel confident you will vote to repeal the war tax in its entirety, treating all alike.

H. B. Henly, H. D. Cammack, C. C. Love, B. A. Mayo, Jas. I. Ellis, J. N. Heagan, J. S. Moore, W. P. Wells, O. T. Bentley, Wood Rainwater, A. V. Hembree, Robt. D. Carl, W. M. Riddick, W. J. Stowers, W. N. Owen, J. H. Scroggins, R. E. Echols.

Mr. President, I believe that this business ought to be taxed, and I should like to see a very heavy rate of taxation applied to all alike. In the bill as it is now there is a provision levying taxes on these smaller bucket-shop transactions. I believe that tax ought to be maintained, and I am not willing to vote to repeal taxes of that sort when there are taxes kept on any reputable or fair business anywhere else in the country. It seems to me to be wrong in every respect. I am utterly opposed to it. While these citizens of my State have been sending such telegrams (and they were doubtless suggested to them by telegraph, for they are the same almost from each town, and that fact indicates that there is an organized movement in favor of freeing bucket shops from the burden they now carry in the Government tax), I am utterly and positively opposed to it.

Mr. PETTUS. Mr. President, I am opposed to all these transactions, that are really gambling transactions in disguise. They are said to be gambling transactions in which the elders may engage without losing their church relation. But a government ought to deal with its citizens fairly. If this had been a bill to tax all transactions of this kind, I could have seen no reasonable objection to it—none at all—but we ought not to pick out a part of a class of men, although we may call them all gamblers, and put a tax on them and let all the remainder of the family go free. I understand the Senate conferees have receded from the amendment which they put on the bill as it came from the House. I do not want to be understood as favoring these unlawful institutions that gamble under the form of a contract prescribed by law. That is really what they are doing. The Supreme Court has held, as you all know, that if both parties agree to take the article at the day appointed, at the price named, that is not gambling at all; provided they did not intend it as a mere form in which to bet on the price of the article, and that if a man claims that it is an unlawful transaction, he has to prove, not that he intended, but that both parties intended not to take the article bargained for. If they both intended not to take it, then it was not a lawful transaction.

But in order to avoid it, the man who objects to the contract as being illegal must establish that both parties intended it to be settled on the basis of the price of the article at the time it was contracted to be delivered. That is a sort of proof which under the New York Cotton Exchange regulations can never be adduced, and although every man, woman, and child connected with the whole business knew that it was a gambling transaction, yet you could not prove it, because you could not get into the other fellow's mind and prove what he intended to do. They all settle the contracts at the prevailing price when the time comes; nobody questions that that is what they intend to do, but when you come to prove it you can not do it.

Mr. President, my opinion is that legislators ought not to single out a particular class of a set of men all transacting exactly the same sort of business, and tax one and leave the other untaxed. I should not object to taxing both of them, but I do think it is wrong for legislators to engage in this partiality in making the law.

Mr. BERRY. Mr. President, this is not a proposition to impose a tax, I will say to the Senator from Alabama [Mr. PETTUS]. It is a proposition to remove a tax which is now in existence. The bucket shops were taxed for a legitimate purpose, to raise

revenue during the time when we were raising revenue and legislating to raise money for the Spanish war. It is a tax on them today. If the conference report be agreed to it will remove the tax from the bucket shops.

Now, it seems to me to vote to take off that tax and leave taxes on so many articles far more deserving of consideration than this is would be unjust. The same bill levies a tax on tobacco. I would much rather vote to remove the tax upon tobacco than to remove it from bucket shops; and I will say, in answer to the Senator from Alabama, that I would be opposed to making this discrimination.

He says, however, that the bill proposes to remove the tax from the larger transactions on boards of exchange. I am opposed to removing that also, but the committee will doubtless say that that was in another section and has passed both Houses and is beyond the reach of the conference committee. Then it ought not to have been so. The tax ought to have been taken off of neither. If it had been taken off of one where it should not be taken off, I do not think that is any reason why it should be taken off the rest of it. This tax is a legitimate tax, put there for a legitimate purpose; and if the Senate votes to agree to the conference report it will remove that tax from the bucket shops. The bucket shops, as we all know, in many little towns throughout the country are regular gambling shops, and the worst character of gambling shops in many places. And yet many Senators, not the Senator from Rhode Island [Mr. ALDRICH], who came in but a few days ago and voted to impose a tax on a legitimate industry in order to crush it out, now turn around and propose to remove a tax from this illegitimate business where it now exists. That is the case as it presents itself to my mind, and I hope the Senate will not agree to the report, but will insist on keeping this tax on the bucket shops.

Mr. PETTUS. I wish to ask the Senator from Arkansas a question. Does not the Senator know that this bill repeals all the war taxes of every kind and restores the tax—

Mr. BERRY. Not restores it. I object to the word. It proposed to retain the tax on bucket shops.

Mr. PETTUS. The bill in its present form, as it now comes to the Senate from the conference committee, I understand, repeals every war tax but—

Mr. BERRY. It does not repeal this one.

Mr. PETTUS. Yes; as it now stands.

Mr. BERRY. As I understand it, the bill as it came from the House repealed all war taxes. The Senate agreed to the House bill with the exception that they did not agree to take the tax off of bucket shops. It refused to agree to that provision. The bill went to conference. The House refused to recede from its disagreement. The Senate now comes in, and the proposition of the report is for the Senate to recede from its amendment. The Senate refused, when it passed the bill, to take off the tax which now exists under the law. Now, the conferees come in and ask the Senate to agree to take it off. That is the situation exactly.

Mr. PETTUS. I want to state to the Senator that this bill does repeal all war taxes of every kind—

Mr. BERRY. Except this.

Mr. PETTUS. If you agree to the conference report, it repeals all war taxes of every kind.

Mr. BERRY. That is correct.

Mr. PETTUS. And the objection I am making to the bill is that you ought not to pick out a particular division of a particular class and tax them and leave all the war taxes as they were before on another class. It is class legislation. It is worse than that even. It is legislation with respect to a particular part of a particular class, because our information, whether we know it or not, is that all of these great exchanges, as they call them, are engaged in exactly the same character of business in every respect.

Mr. BERRY. Mr. President, only a word about the class legislation. I think I may say it is class legislation, according to the Senator from Alabama, to take off the tax on bucket shops and leave it on manufactured tobacco. This bill provides a tax on manufactured tobacco.

Mr. PETTUS. It changes it back to what it was before we put on the war tax.

Mr. BERRY. Certainly. I would much rather remove that than to remove the tax from bucket shops. It is not a proposition to tax an illegitimate transaction, because the tax which was put on there was put on for revenue, for a legitimate purpose, and is in the law to-day.

With thousands of other articles taxed all over the country, necessities of life, to come in and take this one off and leave the tax standing on hundreds of others, matters which are legitimate, I think is bad legislation, and why Senators who voted but a few days ago to put a tax on oleomargarine (and they admitted that it was not done for purposes of revenue, but to crush out the industry) should come in now and ask the Senate to take off a tax

which has already been placed and is by law imposed on these illegitimate gambling concerns I can not understand.

Mr. TILLMAN. Mr. President, it seems to me the Senator from Arkansas [Mr. BERRY] is arguing against his position on the oleomargarine bill, because he contended in that case that it was a tax intended to destroy a legitimate industry in the interest of another legitimate industry, and now he contends that you ought to leave the tax on part of these gambling concerns, but not put it on all.

Mr. BERRY. I beg the Senator's pardon. I say it ought to be left on all; and I never said anything to the contrary.

Mr. TILLMAN. But it is not to be left on all of them.

Mr. BERRY. I say so far as my vote goes it should be; and in addition to that, this tax was not put on for the purpose of crushing out anything. This was put on for the purpose of raising revenue. It was put on legitimately, and is a legitimate tax. Now, the proposition is to pick out this peculiarly objectionable business and take the tax off of the bucket shop, while leaving the tax stand on hundreds of other articles from which it ought to be removed. That is my position.

Mr. TILLMAN. If I understand the condition, it is this: The Senator would like to see a tax on all agencies for speculation which sell futures and the like of that? Do I understand him correctly?

Mr. BERRY. If there were a tax on any such proposition I never would vote to remove it.

Mr. TILLMAN. I know the Senator would not, and I believe he would agree with me that it would be a proper thing, because it would tax out of existence, if possible, these gambling concerns which affect the price of cotton and wheat and other commodities by selling millions of bales of cotton on future contracts.

Mr. BERRY. If the Senator so believes, I do not see how he can vote to take off the tax which was put on this peculiarly illegitimate transaction.

Mr. TILLMAN. Does not the cotton exchange in New York sell futures every day?

Mr. BERRY. I guess it does.

Mr. TILLMAN. Is there any tax on that?

Mr. BERRY. There will be a tax until this bill passes.

Mr. TILLMAN. On that?

Mr. BERRY. I understand the tax under the present law applies to all transactions except where the article is actually delivered.

Mr. TILLMAN. Will the chairman of the committee inform us just what the result of this report will be?

Mr. ALDRICH. Mr. President, the contention of the House conferees, if I may be permitted to say what took place in the conference committee, as I believe I am, was that the effect of this measure as it passed the Senate would be to tax transactions which do not take place on boards of trade and exchanges, but would tax all transactions which take place off such boards or exchanges; in other words, that it was a discrimination in favor of the large exchanges and the large dealers and against the small brokers.

Mr. TILLMAN. It would not, then, affect the cotton exchange or the wheat pit?

Mr. ALDRICH. That is the contention of the House conferees, that the bill as it stands—

Mr. TILLMAN. What is the idea of the Senator himself?

Mr. ALDRICH. I prefer that the language should speak for itself. I am willing to admit that the provision as it passed the Senate is unfortunate, it being the original language used in the act of 1901, and does leave the question open to construction by the courts.

Mr. TILLMAN. Have not the exchanges been paying the tax? Have they ever contested it in the courts?

Mr. ALDRICH. They have been paying it under another section of the law, which was repealed by both Houses, and with which it was beyond the province of the conference committee to deal.

Mr. TILLMAN. It is already repealed?

Mr. ALDRICH. It is already repealed in this act by the action of both Houses, and it was not within the purview of the conference committee.

Mr. TILLMAN. So it does not make any difference what we do with this report, the big fish are untaxed; and the question is whether or not we shall retain the tax on the small ones?

Mr. ALDRICH. That is the contention.

Mr. TILLMAN. It seems to me we should treat all alike.

Mr. ALDRICH. Mr. President, the question is not presented by either of the Senators from Arkansas. Both Houses have acted upon this measure, which reduces taxes to the amount of \$73,000,000. They are in accord except on the one item of the retention of this tax. The House conferees refused to agree to it, and the Senate conferees were obliged to submit to the action of the House, the Senate having put this amendment on a bill reducing

taxes, a bill which, under the Constitution, it was within the power of the House to originate. I do not mean to say literally that we could not insist on the amendment, but I believe every member of the Senate will understand that we could not allow this bill to fail on account of the difference between the two Houses upon this question.

On the simple question of the merits of the controversy, there is another question involved, and that is as to the construction which might be put upon the third section as it is now retained, and as the Senate proposed to retain it in the bill. The third section was put into the law as a part of the general scheme of taxation. We are repealing all the other portions of it and leaving this to stand by itself, and the words about which there is contention are these: This provides that every transaction of a certain nature—

Mr. BACON. From what page does the Senator read?

Mr. ALDRICH. From the eighth page of the revenue-reduction act of 1901. The language is not in the conference report. If the Senator will send to the Committee on Finance and get a copy of the revenue-reduction law of 1901, he will find on the eighth page the provisions which I am now discussing.

Mr. BACON. Will the Senator please state again the designation of the document?

Mr. ALDRICH. The war-revenue-reduction act of 1901. That act provides:

3. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in—

And now comes the language in controversy—
and without a bona fide transaction on such a board of trade or exchange.

Mr. BERRY. Will the Senator permit me right there?

Mr. ALDRICH. Certainly.

Mr. BERRY. The dispute is whether that includes the larger exchanges. Is that the question in contention?

Mr. ALDRICH. The question is whether a transaction which is in the nature of a sale or a purchase of futures without an understanding that the goods themselves were to be delivered might be made on a board of trade or exchange without taxation, but if made other than on a board of trade or exchange or by a member of a board of trade or exchange would be obliged to pay the taxes.

Mr. BERRY. Is the section the Senator is reading now the one the Senate proposed to retain?

Mr. ALDRICH. The very section.

Mr. BERRY. Then I should like to ask the Senator from Rhode Island why the conferees can not frame language to make it mean that the tax goes both on the smaller and the larger transactions. What reason is there why it can not be so framed that there will be no dispute and no contention about it?

Mr. ALDRICH. We offered to do that, but the conferees on the part of the House would not agree to it.

Mr. BERRY. The only reason is that the House conferees have not been willing to do it. Then this pretense here that we can not put it on and keep it on the larger transaction is not borne out by the statement of the Senator from Rhode Island. The only reason is that the House conferees are not willing to agree to it.

Mr. ALDRICH. The Senator is a little forcible in his language about a pretense.

Mr. BERRY. I was not referring to the Senator from Rhode Island in the remark I made. I meant it in no offensive sense. It has been stated by several Senators here that we could not get it on the larger transactions. I did not intend any offense in the remark.

Mr. ALDRICH. The fact is that the second paragraph of Schedule A taxes transactions made on boards of trade and exchanges. That has been repealed in other parts of the bill by the action of both Houses, and it is beyond the power of the conference committee to act upon it.

Mr. BERRY. But it has been done in another part of the bill. It is in the same bill?

Mr. ALDRICH. It has been done in other parts of this bill.

Mr. BERRY. Does the Senator tell me that language could not be framed and put by the conference report into this provision in dispute so as to make it apply to the larger transactions as well as the smaller?

Mr. ALDRICH. With my understanding of the powers and duties of a conference committee, I should not think it would be within the power of the conference committee to put into the law

a provision which had been repealed by the action of both Houses. That is not my understanding of what a conference report should undertake to do.

Mr. BERRY. The Senator has just said, if he will permit me, that the dispute was as to the meaning of those two words, as to whether they would or would not be held to apply to larger transactions, standing in this provision to the repeal of which the Senate had not agreed. Now, then, if that be true, why can it not be made certain in the conference report, in this particular provision, as to whether it does apply or not.

But aside from that, Mr. President, as I said before, I should be glad to have it remain on both. Because Congress has wrongfully taken it off of one where it ought to stay is no reason why it should take it off of another where it ought to stay.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The question is on agreeing to the conference report.

Mr. ALLISON obtained the floor.

Mr. BACON. Mr. President—

Mr. ALLISON. I yield to the Senator from Georgia.

Mr. BACON. I simply wanted the Senator from Rhode Island to point out the words. I am unable to find them.

Mr. ALDRICH. The Senator from South Carolina [Mr. TILLMAN] has the act and will show the words to the Senator.

Mr. BACON. I wish to ask the Senator this question: If I understood him correctly, the statement was that in the controversy between the two Houses it is contended that according to one construction it would be limited in its operation to the smaller establishments, but according to another construction it would embrace all. Now, it does seem to me that it is unnecessary, unless the Senator thinks that the former construction is undoubtedly the correct one, that we should act upon the assumption that it is limited.

Mr. ALDRICH. The conference committee are not presenting this report upon the merits of this particular section. We say that it is impossible to agree upon its insertion in this bill with the House of Representatives, and we therefore ask the Senate to recede from its action. The Senate conferees are for the provision.

Mr. BACON. The Senate conferees, as I understand, are for the provision upon the construction made by them that it would embrace all transactions of the character, whether they were upon the exchange or not.

Mr. ALDRICH. We were for this provision because we thought it was a proper tax to retain.

Mr. BACON. The Senator thought, I presume, it was a tax which would be general in its operation and effect on the larger establishments as well as the smaller.

Mr. ALDRICH. That is our understanding.

Mr. BACON. That is the theory, as I understand it, upon which the Senate has proceeded, that it was not one which would be partial in its operation.

Mr. ALDRICH. I am bound, however, to say to the Senator from Georgia that this view of the question was not presented in the Senate and it was not brought to the attention of members of the committee until the meeting of the conference committee.

Mr. BACON. If it were true as a conclusion beyond doubt that the effect of the provision as included in the amendment of the Senate would be to limit this tax to the smaller establishments and to relieve the larger establishments, there would be great force in the argument against the retention of the clause. But as I understand it there are two constructions to be put upon it, and the construction which is the more proper one for legislators, it seems to me, as to the general operation of the tax, was the one which the Senate considered to be the correct construction.

Mr. ALDRICH. I am bound to say to the Senator from Georgia that the House members of the conference were against it on either construction.

Mr. BACON. I understand that, and the Senate is for it upon the construction we put upon it. The House is against it even conceding our construction. Now, Mr. President, upon that issue I should certainly hope that the Senate would stand by the position which it occupied before, because it is the proper position.

Mr. President, I am not in favor of this tax because it may be in the opinion of some a righteous thing to destroy a certain business. The effect is not to destroy the business. But I am in favor of the tax because it represents a very large part of the business of the United States which, except under the present law, bears no scintilla of the burdens of this Government and ought to bear its share. If there is any business in the world that ought to bear its share, it is a business which draws for its resources so generally upon all parts of the country, although it may be located at a particular place. The vast flood of money which changes hands through the operations of business of this kind is a flood made up of millions of streamlets which flow from every village and hamlet in the country. And, Mr. President, it is a proper and a successful revenue-bearing subject of taxation.

Mr. ALDRICH. Does the Senator from Georgia contend that because it is a proper subject of taxation there can be no agreement between the two Houses?

Mr. BACON. Certainly not.

Mr. ALDRICH. Does the Senator contend that we must have the bill fail rather than submit to other people's judgment, or that this is not a matter of adjustment between the two Houses? The House accepted sixteen out of the eighteen amendments of the Senate to the bill.

Mr. TILLMAN. Will the Senator permit me?

Mr. BACON. Pardon me; I want to reply to the Senator from Rhode Island.

Mr. TILLMAN. I wish to ask—

Mr. BACON. Let me reply and then I will yield to the Senator with great pleasure. The Senator asked me a question, to which, of course, there can be but one reply, as to whether I recognize that there can be no agreement between the two Houses. The Senator certainly does not expect me to answer that in but one way, and I have in mind but one possible answer to that question. But the fact that it is recognized, of course, that there must be an agreement between the two Houses or a bill will otherwise fail is no reason, if we stand upon firm and good ground, why we should abandon our position without a struggle to the utmost to maintain it. That is the only proposition I submit.

Mr. HOAR. I should like to ask the Senator a question, if he will yield.

Mr. BACON. With great pleasure.

Mr. HOAR. Does the Senator think, as a matter of sound constitutional proceeding, taking the relation of the two Houses to the matter of taxation provided by the Constitution, that the Senate ought to insist on retaining any tax which the representatives of the people think ought not to be retained?

Mr. BACON. Well, Mr. President, I certainly can not admit that there is only one answer to that question, or, if I do, it would be the opposite of what the Senator's inquiry would seem to indicate was his opinion.

Mr. HOAR. The Senator will pardon me. I did not indicate an opinion. It is the old "paper-duty" question of England.

Mr. BACON. I understand that.

Mr. HOAR. If I may be pardoned, the Constitution says that the House must originate revenue bills of this kind. A bill of this kind is conceded in our practice to be within that constitutional provision, the idea being that the immediate representatives of the people, voting by numbers, should have a certain preponderating power in the matter of taxation, and that there never should be a tax on this people unless the House of Representatives has proposed to have a tax.

I agree that we can amend such bills as other bills and that there might be a case where we could perfectly, within our constitutional right, insist on retaining a tax which the people of the United States, as a people, want to be rid of, but I think it is a very dangerous ground to tread on, and that, ordinarily, when the people do not want to continue a tax and have said so through the House of Representatives the representatives of the States in the Senate, which may represent in political power here the minority of the people, ought not to insist on keeping that tax on. That is my point.

Mr. BACON. Mr. President, the Senator asked me a question and then presented his views in support of his side of it, which, of course, have the usual force of everything said by that distinguished and honorable Senator. It is with great reluctance that I ever differ from the Senator, and whenever I do upon a question, certainly of this kind, it very much shakes the confidence I would otherwise have in my own judgment.

As I understand the inquiry of the learned Senator, it is whether the Senate can with propriety (the Senator, I think, used the term "constitutional propriety," or words equivalent to that), in view of the constitutional relations of the House to the question of originating revenue, insist upon a retention of a tax which is opposed by the House?

Now, Mr. President, the provision of the Constitution is one which gives to the House of Representatives not the exclusive right to determine what shall be the subject-matter of taxation or what shall be the rate of taxation, but it gives to the House of Representatives simply the right of origination, and when it conferred upon the Senate the right to make amendments it certainly did not mean to limit to the Senate the right to make merely a suggestion, arbitrarily and finally to be accepted or rejected by the House as it in its judgment might think proper. But while the Constitution gives to the House of Representatives the right to originate, when it conferred upon the Senate the right to amend it went further than to confer upon the Senate the right to veto by objection; it went to the extent of conferring upon the Senate the power, after it had been placed within its jurisdiction, to amend not for the purpose of suggestion, as the inquiry of the learned Senator would seem to indicate, but for the purpose of having the

judgment of the Senate enacted into law if in the usual orderly procedure it should be found that the Senate was right in its contention and if the Senate should admit it of sufficient importance to insist upon its contention and to stand its ground, if need be, to the extent of the defeat of a bill rather than to surrender a position which it deemed to be important.

The honorable Senator from Wisconsin [Mr. SPOONER] calls my attention to a section of the Constitution which illustrates the correctness of the position which I have just taken in the very clause to which the learned Senator from Massachusetts pointed.

All bills for raising revenue shall originate in the House of Representatives; and the Senate may propose or concur with amendments—

Is that all?

Mr. HOAR. "As on other bills."

Mr. BACON. If it were all, the suggestion of the honorable Senator might be of more force than it is when we read the concluding clause—
as on other bills.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. ALDRICH. I ask that the unfinished business may be temporarily laid aside until the conference report can be finished. It can be finished in a very few minutes I suggest.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. BACON. I hope the Senator from Rhode Island will not insist on that course. This is a matter which may be quite familiar to him because he has been upon the conference committee and has had the opportunity, but our attention was not drawn to it until the reading of the conference report this morning. Some of us would like to have an opportunity to look into it a little. I think it a matter of very grave importance. It is a subject-matter of taxation, and it is an important source of revenue. I myself am extremely reluctant to see it surrendered. There will not be any very great injury to the public service in any way in giving us an opportunity to take it up when we can have more time for its proper consideration than we could have now. I am sure the Senator is mistaken in thinking it can be disposed of in a few minutes.

Mr. ALDRICH. I was speaking from the standpoint of personal convenience. I am obliged to leave the city at 4 o'clock and will be absent several days, and it will be a matter of personal convenience to me if it can be disposed of. It seems to me there can be no constitutional question involved in it.

Mr. BACON. I do not think so either.

Mr. ALDRICH. It is a question of procedure between the two Houses.

Mr. BACON. I do not think there is any constitutional question involved.

Mr. ALDRICH. It is a question whether the Senate will insist upon a position in regard to this matter which I think in the end they will have to give up. I see no way out of it except to yield.

Mr. BERRY. Will the Senator from Rhode Island yield to me a moment for a question?

Mr. ALDRICH. Of course.

Mr. BERRY. The House conferees have never taken it to the House for a yea-and-nay vote. If the Senate will insist on its amendment by a yea-and-nay vote here to-day and refuse to agree to the report and thus compel the House conferees to take it to the House, I simply give it as my opinion that if it is brought to the House and fully understood and a yea-and-nay vote is taken, the House will agree and let this tax on bucket shops stand.

Mr. BACON. Only the tax on bucket shops?

Mr. BERRY. Well, the whole business, as we consider it and as the Senator himself considered it. He said that was his understanding, but now he says the House thinks another construction may be put upon it, and therefore they do not agree to it. Now, I believe that the tax is on both; it ought to be on both; and I am in favor of keeping it on both. It having been put there for revenue purposes, it ought to stay there, because it yields a revenue. Let the report go back to the House; let them take a yea-and-nay vote on the question.

Mr. PETTUS. Mr. President, I want to say in reply to the last proposition that I am very anxious to get off all the war taxes now.

The PRESIDING OFFICER. The Senator from Rhode Island

asks unanimous consent that the regular order of business be temporarily laid aside.

Mr. ALDRICH. I ask the Senator from Georgia to allow this discussion to go on for a while, and if it is prolonged indefinitely—

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry. The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. HOAR. Does it require unanimous consent? The conference report can instantly be called up after the regular order is laid before the Senate. It displaces it only temporarily, anyway. It does not require unanimous consent.

The PRESIDING OFFICER. The Senator from Rhode Island asked unanimous consent.

Mr. ALDRICH. I thought it the best course to pursue, because I wanted to have the method adopted which would be agreeable to everyone. I did not suppose there would be any objection to it.

Mr. BACON. The Senator puts it to us as a matter of personal convenience to him. If it were a matter in which a delay of a few days would work any very great hardship, certainly there would be every disposition to consider the convenience of the Senator, but it can certainly come up again upon his return in a few days. It is not a matter of such urgency as to require that it shall be disposed of to-day.

I wish to make a suggestion to the Senator. This is not done captiously. This matter comes in to-day when we have had no opportunity for its examination. It is an extremely difficult matter, right in the progress of a debate, to weigh the language that has been read here and to see what its exact relation may be to the proposition which is involved. For instance, this conference report comes in this morning and the various provisions which are agreed to by the conference report are simply indicated by number. Until the senior Senator from Arkansas [Mr. JONES] in what he had to say disclosed the nature of the particular item, I had no idea what it was by number. I think in a matter of such gravity Senators ought to have an opportunity to see this measure in print and understand what it is.

Mr. ALDRICH. The Senator from Georgia is a most diligent member of the Senate, and he naturally inquires into all important subjects that are before the Senate. I think that is correct and right, and every Senator should do the same. But the Senator must recognize the fact that it is impossible always to delay every measure that is before the Senate until he can have a chance to investigate every part of it. That is almost without the limits of possibility.

I am not disposed at all to be unreasonable about this matter. I believe the Senator from Iowa, who sought the floor a few moments ago, can explain it satisfactorily to the Senator if he has an opportunity. There is but one amendment in controversy between the two Houses that is of any consequence whatever, and that is the amendment which is now under consideration.

There has been no other question before the committee, I will say, of importance except this, and the question simply is whether the Senate will recede from its action, the House having declined to yield. The merits of the controversy are, I think, not involved to a very great extent. I should be glad if we could go on with the consideration of the report for a while, with the view of seeing if the matter can not be satisfactorily explained to the Senator from Georgia and to the Senator from Arkansas, who also takes great interest in it.

Mr. BERRY. Mr. President, this matter has been in controversy some two or three weeks, has it not?

Mr. ALDRICH. It has.

Mr. BERRY. It has taken the House conferees three weeks to convince the Senator from Rhode Island and the Senator from Iowa that this tax ought to be repealed. Those Senators have been insisting on what we have been insisting on now constantly in that conference for the last two or three weeks. Now they have come in and yielded. It does seem to me that the Senator from Georgia and others ought to have one day to have the report printed and see what the language means, and whether it includes both the large and the small establishments. It is not an unreasonable request that it shall go over for one day until it can be printed, and then Senators can be ready to vote intelligently upon it. I think the request is a reasonable one, and I hope the Senator from Rhode Island will not insist upon pressing it to a vote. A number of Senators are at work in the Commerce Committee on the river and harbor bill, and they are compelled to be there this afternoon. I hope that the report will go over.

Mr. ALDRICH. If the discussion can go on for a while I think Senators will be convinced that there is no reason for it to go over. I think the Senator from Arkansas himself will be convinced of that.

Mr. BERRY. I did not understand the Senator.

Mr. ALDRICH. I think if the discussion could go on for a little while the Senator himself will be convinced that it need not go over.

Mr. BERRY. No; I have to go to the Committee on Commerce to consider the river and harbor bill, and I have not time to wait to hear the discussion.

Mr. ALDRICH. It is, of course, a matter of great regret to the Senate that the Senator is obliged to be away, but I think if he could stay he would be convinced by the statement of the Senator from Iowa that it is a very simple matter.

Mr. BACON. Mr. President—

Mr. BERRY. Mr. President, I intended to ask for the yeas and nays on agreeing to the report. I may not be present when it is voted on, and I should like to ask now for the yeas and nays.

The PRESIDING OFFICER. The Senator from Arkansas asks that the vote on the report be taken by yeas and nays. Is there a second to the demand for the yeas and nays?

Mr. BACON. I understand the Senator from Arkansas asks that when the vote is taken it be taken by yeas and nays.

Mr. BERRY. Ordering the yeas and nays does not cut off debate under the rules. There is no rule of that kind. We can order the yeas and nays at any time.

The yeas and nays were ordered.

Mr. BACON. I want to say to the Senator from Rhode Island that I desire the time to examine into this question to satisfy my own mind on one point, whether under the proper construction of it, or the construction which I may find to be, in my judgment, the proper construction, it will continue the tax upon all those engaged in this business.

Mr. ALLISON. It will not.

Mr. BACON. I understand the Senator from Iowa and the Senator from Wisconsin are of that opinion. I have the greatest confidence in their judgment, but at the same time I want an opportunity to look into it and I can not do so now. I want to see whether it will be partial in its operation or whether it will be general in its operation. I am opposed to any partial operation of the law. I want to see if it will be partial or general in its operation if the tax is retained.

Of course the fact that the Senator from Iowa and the Senator from Wisconsin both indicate to me the fact that they think it will not be general predisposes me to think that it will not be general, but it is a matter of such importance that I should like to have the opportunity to look into it.

Mr. ALLISON. Mr. President—

Mr. LODGE. Mr. President, may I ask the Senator from Iowa a question before he begins?

Mr. ALLISON. Certainly.

Mr. LODGE. I should like to ask him whether it makes the slightest difference, in his judgment, in the result of this conference, whether we take one construction or the other.

Mr. ALLISON. I do not think it does.

Mr. LODGE. Is not the question simply the plain one whether we are ready to lose the bill or not? Is not that about it?

Mr. ALLISON. Well, I can not quite say that.

Mr. LODGE. Does it not come pretty near to it?

Mr. ALLISON. I wish to say, being a member of the conference on the part of the Senate, that I endeavored, as I believe every one of the conferees on the part of the Senate tried, to secure a concession on the part of the House for this amendment. In order to meet objections that they made from time to time we proposed various suggestions by way of amendment to this proposition if they would agree to it. First, we agreed to reduce this tax to one-half and make it 1 cent instead of 2. Secondly, we proposed to strike out a provision which they said was an unjust provision in view of the status of this amendment.

Now, we must ascertain, in order to construe this amendment, what the condition of legislation was when the provision was originally adopted. In the law of 1898, known as the war-revenue law, we placed a tax of 1 cent upon each \$100 upon all sales or agreements to sell at any exchange or board of trade. The provision is found on page 12 of this pamphlet. It reads as follows:

Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each \$100 in value of said sale or agreement of sale or agreement to sell, 1 cent—

Mr. BACON. What page is that?

Mr. ALLISON. It is on page 12 of the larger print of the law of 1898.

Mr. ALDRICH. It is the second clause of Schedule A.

Mr. ALLISON (reading)—

or other similar place, either for present or future delivery, for each \$100 in value of said sale or agreement of sale, or agreement to sell, 1 cent, and for each additional \$100, or fractional part thereof, in excess of \$100, 1 cent.

That was the provision inserted in the law of 1898. There was another provision, which I do not think is involved in this controversy, which placed a similar tax upon all sales of stocks or bonds upon the stock exchanges. That was the condition of legislation in 1898, and it continued so until the act of 1901 was passed, which repealed a portion of the taxes provided for in the

law of 1898. In 1901 there was inserted in that repeal a provision which is found on page 8 of the pamphlet which the Senator from Georgia has, I think.

Mr. BACON. I have a copy of it.

Mr. ALLISON. By that act we taxed all transactions not on boards of exchange, but outside of boards of exchange, and we provided a tax of 2 cents upon each hundred dollars, thus discriminating in favor—if I may use that term—of transactions on boards of exchange. That tax may be regarded as somewhat punitive. It was intended to reach a class of people who conduct what are denominated in the law as bucket shops. Their business covers transactions which are regarded by some Senators, and especially by my friend from Alabama [Mr. PETTUS], who has spoken upon this subject, as gambling transactions pure and simple, there being no intent or purpose either on the part of the seller to deliver or on the part of the buyer to receive the article sold.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. TILLMAN. Do I understand the Senator to say that by the repeal of the act of 1901, or the modification of the original war-tax act, there was a change made so that the transactions on boards of trade and exchange are relieved from the taxation?

Mr. ALLISON. No, sir.

Mr. TILLMAN. I thought the Senator just said so.

Mr. ALLISON. No; I did not say so. I said that in the repealing act of 1901 there was inserted a new provision.

Mr. TILLMAN. Not repealing the original law, but merely enlarging it?

Mr. ALLISON. Not enlarging the old law, but establishing a new law for a new set of people.

Mr. TILLMAN. Who were not taxed under the original law?

Mr. ALLISON. Who were not taxed under the original law.

Mr. TILLMAN. I am just trying to get at the status of the thing.

Mr. ALLISON. They were not taxed under the law of 1898; in other words, the law of 1898 only taxed people who had transactions on boards of exchange, boards of trade, etc., where articles were bought and sold. This law doubled the tax then as respects buckets shops, which dealt in provisions, wheat, corn, etc., and made stringent provisions with reference to them, but not as to the exchanges.

In dealing with these people, clause No. 3 provided that in transactions where neither party contemplated delivery there should be a tax of 2 cents on each \$100. Then there were certain limitations and exceptions.

I now wish to call the attention of the Senator from Georgia to the phraseology in paragraph 3, on page 8 of the act of 1901. I shall read the whole of it. The clause provides:

Three. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in—

That was the first clause, where the parties contemplated that future contracts should be settled upon the price at some board of trade. That was to be the measure. If corn should go up 2 cents to-morrow on the board of trade in Chicago, that was the measure of settlement if the transaction was to end on to-morrow—and without a bona fide transaction on such board of trade or exchange.

That is to say, if all these contracts were made outside of any board of exchange or board of trade, then they were to be settled in this way. That is one transaction. If they were dealt in on a board of trade or exchange, this clause did not apply, but the other clause applied, to wit—the clause in the law of 1898—because we were taxing people outside of the boards of exchange and taxing people in those boards at a different rate, and as both parties—

Mr. TILLMAN. I want to get this matter straight in my head. It is somewhat tangled, because I have not had the opportunity to read the statute and hear the discussion of the subject.

Mr. ALLISON. It is my misfortune, no doubt, that I have not explained it clearly.

Mr. TILLMAN. The Senator is usually much clearer than almost any man in this Chamber, especially in regard to financial matters. His experience and knowledge of such matters are perfect. I want to know from his explanation whether I have properly caught the point or not. You enlarge or amend the original war-revenue act, which embraced only transactions on boards of trade, by including what are known as bucket shops, or irresponsible dealers, who set up gambling shops, you may call them—they are both

gambling in my view—but the difference in the rate of taxation was, I think, 2 cents on small transactions outside boards of exchange and but 1 cent on boards of exchange or trade.

Mr. ALLISON. I mean to say that this clause, by special exemptions and provisions, does not apply to any transaction on any board of exchange or board of trade. The board of exchange or the board of trade is only resorted to as the public market place.

Mr. TILLMAN. As the yardstick to settle transactions?

Mr. ALLISON. Yes; as the yardstick to settle transactions.

Mr. TILLMAN. But it does not relieve the transactions on boards of trade from the original tax of 1 cent on a hundred dollars as provided in the war-revenue act of 1898?

Mr. ALLISON. Does the Senator mean this clause?

Mr. TILLMAN. Yes.

Mr. ALLISON. This clause does not relieve from that taxation, but the transactions on boards of trade are provided for in another section, which has been repealed by the action of both Houses.

Mr. TILLMAN. If I understand the situation, then, it is this: That we ourselves have agreed to repeal the provision which should make transactions on boards of trade taxable, and we are now only haggling—if that word may be used—as to the provisions of this section.

Mr. ALLISON. That is all.

Mr. TILLMAN. And this section does not include any transactions on a board of trade?

Mr. ALLISON. It does not. It includes no transaction on a board of trade.

Now, I want to come to the contention of the Senator from Georgia. One of the contentions of the House conferees was that we had discriminated against bucket shops, if I may use that phrase, not only by repealing the tax imposed upon transactions on boards of trade, but that we had allowed a certain set of people, if they made their transactions on a board of trade, to be absolutely exempted, whilst if they made their transactions outside of a board of trade they were taxed 2 cents on a hundred dollars.

Mr. TILLMAN. Right there I wish to say—

Mr. ALLISON. I will yield to the Senator in a moment.

In other words, it was contended that we had not only exempted boards of trade from the tax, but that we had given the bucket-shop people a premium whereby they could go to a board of trade and transact their business and thus be relieved from paying any tax at all. That was one of the contentions of the House conferees. There was no pretense outside of either House that on any construction this clause would apply or could be made to apply to boards of exchange or boards of trade.

Another contention was—

Mr. TILLMAN. I should like to say a word, if the Senator will allow me; but of course I will let him finish first, if he desires.

Mr. ALLISON. I will hear the Senator.

Mr. TILLMAN. I want to ask the Senator if that point could not be determined by finding out from an internal-revenue collector whether or not the boards of trade had construed the act as the House conferees contended that it was meant to be construed, and whether they are not paying the tax, notwithstanding the act of 1901? In other words, has there been a cessation of the payment of the tax by boards of trade under this act?

Mr. ALLISON. Certainly not.

Mr. TILLMAN. Then, boards of trade are, by their own action in paying this tax, not availing themselves of the House construction of the law.

Mr. ALLISON. The Senator seems to misapprehend this bill. The bill now before us, and which is in conference, repeals the tax on all transactions on boards of trade and exchange. The House has so passed it, and we have agreed to it. Therefore, that question is not in conference, and by no construction can it be put into conference because nobody anywhere, so far as I know, contends that this third clause has any application whatever to the provisions contained in the law of 1898.

Mr. TILLMAN. Now, will the Senator allow me one more question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. Certainly.

Mr. TILLMAN. This whole section being in controversy, dealing as it does with the taxation of transactions in futures, we will call them, to come down to a general term which we all understand, is it not within the power of the conferees to amend that third section—the one in controversy—so as to put back the excepted boards of trade? As you are quarreling about the little fellows, could you not in conference put back the big ones?

Mr. ALLISON. I see no way by which that can be done by either the conferees or by the Senate.

Mr. TILLMAN. In my limited experience I have seen some conference reports come to this body with entirely extraneous

matter that was never enacted by either House, that was never in controversy, and was absolutely new and strange to everybody.

Mr. ALDRICH. Not from this committee.

Mr. TILLMAN. I do not know from what particular committees they came, but they went through. I am not undertaking to have a conference report brought here contrary to our rules, or encouraging such things, because I stigmatized them at the time as being a swindle on the Senate to bring such conference reports here. I think the conferees ought to abide by the rules and not go outside of their legitimate powers.

Mr. ALLISON. The universal rule is, of course, that a conference only deals with the matters that are in controversy, and not with matters that have been agreed to by both Houses.

What I have stated was the first contention on the part of the House conferees. The next contention was that we had imposed a tax upon transactions in bucket shops, so called, which was prohibitory in its character, and I am sorry that my friend from Arkansas [Mr. BERRY] is not here, in order that I might show him that I did my best to agree with him in respect to this contention, somewhat in accordance with my vote on the oleomargarine bill. Of course, the friends of that measure satisfied the Senate and, I hope, the country, that on that bill we were endeavoring to raise revenue, and incidentally to protect one great industry against a fraud which was being perpetrated upon it.

The House conferees, however, contended that we had inserted and insisted upon retaining a clause in the bill which in effect destroyed a business which was as legitimate as the business transacted by people on boards of trade. They adopted the suggestion of my friend from Alabama, and they either wanted to eliminate from this bill all such transactions, whether on boards of trade or elsewhere, or else they wanted to retain them all, which they had already agreed to do, and which members of the House contended should be retained.

That being the situation, Mr. President, the Senate conferees made almost every possible proposition to the House conferees which we could make without absolutely eliminating this provision. They, however, rejected all of our propositions and stated that the House was opposed to the retention of any portion of what was called the war-revenue taxes. We had some seven or eight meetings upon those matters before we finally agreed to recede from our amendment.

It may be that, if we reject the conference report, the House may recede; but I do not believe it will. If I had so believed I would not have signed this report, because I am in favor, and have been all the time in favor, of the retention of the tax upon bucket shops. That is the whole thing in a nut shell. There is no possible way by which we can deal on this bill with any other question than that which we are now considering.

Mr. BACON. Mr. President, I had the opportunity, while the Senator from Iowa [Mr. ALLISON] was presenting his views to the Senate, of reading the provisions of the law of 1901, and if I may have the attention of the Senator from Iowa on that point, I think I can show that this section, if retained, will not have any other inequality of operation than that which is now in the law.

Mr. President, the act of 1898 imposed a certain tax on all transactions of this character wherever they occurred, whether upon the central board of exchange or in any bucket shop, or anywhere else; or whether they related to transactions in which there was to be a delivery of goods, or whether they related to transactions in which there was to be no delivery of goods, and which were purely gambling in their operations. I am simply stating a case.

Mr. ALDRICH. The Senator is stating the case as he understands it.

Mr. BACON. I have the law before me, which I am going to read to see whether I am right or not.

Mr. ALDRICH. If the construction which the Senator puts upon it had been the construction which the courts put upon the internal-revenue law there would have been no need to enact the act of 1901.

Mr. BACON. I will come to that question and see whether there was.

On page 7 of the act of 1901—I am speaking of the part which relates to transactions upon boards of trade, to be found on page 7 of the act of 1901—and that, I say now, relates to all transactions, whether upon the central board of trade or in any bucket shop, and without discrimination between transactions where the goods were to be delivered and transactions where the goods were not to be delivered. In all transactions of that kind the tax was 1 cent. Here is the language:

Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each \$100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional \$100 or fractional part thereof in excess of \$100, 1 cent.

The point to which I want to ask the attention of Senators who differ with me about this construction of the law is this: This

bill repeals that provision; both Houses have agreed to that, and the Senator from Iowa [Mr. ALLISON] is eminently correct in his statement that that is beyond our control. We can not take back what we have done, nor can we agree with the House upon any modification of it, because the Houses have come to an agreement upon that, and that is not before the conference committee. I suggest that in order that I may not be misunderstood as to what I will say when I come to the discussion of a subsequent section, which is the one in controversy.

The section on page 8 is the one in controversy. That section is still with us, to insist upon it, to abandon it, or, by agreement of the conference committee, to modify it. I suppose Senators will undoubtedly agree to that, and that is the full extent of my contention. What does this section say?

Mr. ALDRICH. There is a limitation upon that modification. We certainly can not modify that paragraph so as to nullify the action of the Senate and of the House collectively upon other portions of this bill.

Mr. BACON. Of course not; undoubtedly; and I am going to make no such contention. I am going to limit myself exclusively to this particular paragraph and the provisions of it.

Before reading this particular paragraph, in order that what I say may be applied to it as I read it, I will state this particular paragraph is a part of the law as it stands, imposing an altogether different tax upon a certain class of transactions, to wit, transactions where there is to be no delivery of the goods. In other words, it is altogether independent of the section which I read before, which is found on page 2, and which related to legal as well as to illegal transactions.

There is a distinct difference between the two as to those which are denominated in the law illegal transactions; in other words, in transactions where there is to be no delivery of goods there is an imposition of a tax of 2 cents, and not 1 cent, as there was in the former provision.

I repeat, I thoroughly agree with Senators that the 1-cent tax is beyond our jurisdiction now and beyond the jurisdiction of the conference committee; but the question as to this particular provision, which was inserted in the act of 1901 to reach something that the old act did not reach, and that was transactions which were exclusively of this character, which the courts have generally denominated to be illegal transactions, gambling transactions, and in that case the law imposed a tax of 2 cents instead of 1 cent. Having imposed that tax of 2 cents on the two distinct classes of people or organizations which might be engaged in this business, the first was a comprehensive class, which possibly would include the other; but they made the distinction in order that they might certainly reach the other class. Now, what is that distinction? The first class relates to everybody who is engaged in that business, whether it is the board of trade or the stock exchange in New York or elsewhere. The section makes no exceptions. But here it is, on page 8, and I hope Senators, if they have the act before them, will follow the language as I read it:

From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure—

Up to that point there is a complete description of one class of persons who shall be subject to the tax, and it embraces every board of exchange. The next four lines can be omitted without loss of sense to the paragraph, because it then refers to a different class; and after the word "figure," the sense would be completed by adding, beginning with the words "shall pay," in the third line from the bottom of the page—

shall pay a stamp tax of 2 cents on each \$100 in value or fraction thereof—

In other words, all those who are enumerated in the first part of that section up to and including the word "figure," in the sixth line from the bottom, constitute a class who are made liable for the payment of that tax; and then the law further goes on and says this, after the word "figure," enumerating now a distinct and separate class—

and every person, association, copartnership, and corporation who or which shall in his or its own behalf or as agent conduct what is commonly known as a "bucket shop."

In other words, the lawmakers could have made two paragraphs of that. They could have made the first paragraph down

to and including the word "figure," which, I think, is on the sixth line from the bottom of the page, and put after that what tax should be paid. They could then have made another paragraph and said:

Every person, association, etc., who shall conduct what is commonly known as a "bucket shop" shall also do the same thing.

There is one distinction, though. The Senator from Wisconsin asked me the very pertinent and proper question as to whether that is the only distinction. It is not the only distinction in the paragraph. In the case of all persons other than those who may conduct what may be denominated "bucket shops" the tax is 2 cents on simply the illegal transactions, to wit, those which are generally denominated by the courts to be gambling contracts, in which there is no expectation or intention that the goods shall be delivered, but where the parties shall settle according to the prices. As to all except bucket shops the 2 cents only applies to that class of transactions, but when it comes to bucket shops it does not make that exception, and it imposes a tax of 2 cents on every transaction in bucket shops, whether legal or illegal.

I think to that extent the law ought to be amended. It is within the power of the conference committee to amend it, because it only relates to that particular section and has no possible reference to the section above, upon which the two Houses have agreed. I think it ought to be in the case of bucket shops as it is in the case of the regular exchange, that this tax should be imposed only upon the illegal transactions. But I do not think it is possible that there can be any doubt about the construction which I have given to this language and that any court in the world would so construe; that as to all illegal transactions—and that was the object of the amended law—whether they occurred in bucket shops or in the regular boards or exchanges, as to all these transactions which have been designated by the courts illegal or gambling transactions there is the imposition of 2 cents, and there is the additional feature that as to bucket shops, whether legal or illegal, there shall also be imposed a tax of 2 cents.

The Senator from Rhode Island will certainly say that that is within the power of the conference committee, because it relates only to that particular section, and it does not relate to the section agreed upon. It is perfectly within the power of the Senate conferees now to say to the House conferees, "We favor the retention of the entire section. You favor the repeal of the entire section. We propose not that it shall be repealed, but that it shall be amended." That is within the power of the conference committee. The Senator will agree to that, I presume, will he not?

Mr. ALDRICH. We have tried—

Mr. BACON. I am not asking the Senator that. I am asking the Senator this question—and I will be glad for him to correct me if I am wrong: Where it is proposed by one House to repeal an entire section of a law and the other House refuses to repeal that section, and they go into conference upon that issue, is it not competent for the conference committee to say that it shall neither be repealed nor retained in its present shape, but that it shall be amended so and so?

Mr. ALDRICH. By a relevant amendment.

Mr. BACON. Of course; and the relevant amendment which I think ought to be here is this: As I have ventured to show, the section as it now stands imposes a tax of 2 cents on every hundred dollars of illegal transactions which occur upon the regular boards or exchanges, but it imposes a tax of 2 cents when those transactions are in bucket shops, whether they are legal or illegal. Now, the suggestion I make—

Mr. TILLMAN. Mr. President—

Mr. BACON. I will yield in one second. The suggestion I make is that the conferees ought to correct that inequality, and that is the only inequality there is in the law. It is an absolute, unmistakable thing, so far as my mind is capable of coming to a legitimate conclusion, that the law as it now stands in that section, with that single exception, applies equally to transactions on boards of trade, stock exchanges, and bucket shops. As to bucket shops, it makes the distinction that it applies not only to the illegal but to the legal transactions.

Mr. TILLMAN rose.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). To which Senator does the Senator from Georgia yield?

Mr. BACON. I promised to yield to the Senator from South Carolina.

Mr. TILLMAN. The Senator has been using the word "illegal" or "legal" in regard to various classes of transactions. I can not find it in the act. It says bona fide transaction, but I do not see "legal" or "illegal" anywhere here.

Mr. BACON. If the Senator will permit me, I will state in what way that may be identified. The words "illegal" or "gambling transactions" which I have used refer to the class of contracts which have fallen under the condemnation of the courts. The courts generally have decided that where a trans-

action is entered into between two parties for the sale of stocks, for instance, where there is no purpose on the part of the seller to deliver the stock and no purpose or expectation on the part of the buyer to receive the stock, but that the transactions shall be closed between them on the payment, by whichever party may be required under the circumstances, of such difference as shall be shown to exist at the close of the transaction in the quoted market price, it is an illegal contract; and those contracts, if the Senator will turn to page 8, are described—it is true with a great deal of language; I think with some redundancy of language—in paragraph No. 1, where the word "three" appears, down to the word "figure."

Mr. TILLMAN. I have been reading that and following the Senator while he was reading it, and I have followed him since he has been discussing it; and, accepting his own interpretation as to which class of these deals or trades is legal and which is illegal, it would be very difficult from the language itself to discriminate or differentiate.

Mr. BACON. I will read something for the benefit of the Senator. After enumerating the various kinds, in order that none may slip through the meshes of the net which it is intended to be cast over transactions of this character, the act provides as to this distinct class:

Or such person, association, copartnership, or corporation above named shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure.

Mr. TILLMAN. That is a great deal of legal verbiage, intended to describe what we all know as futures.

Mr. BACON. Very well; and that is exactly what the courts say, that when it is not intended that there shall be a delivery by the seller or a receipt of the goods by the purchaser, it is simply one of the classes which are illegal, which constitute gambling contracts; and while the courts refuse to go behind them, the courts will not lend their aid to the enforcement of such contracts.

Mr. TILLMAN. Will the Senator allow me a question? Look at the middle of the paragraph, from "three" down, and he will find:

And without a bona fide transaction on such board of trade or exchange.

Mr. BACON. Yes.

Mr. TILLMAN. If that means anything, it means that boards of trade may sell for future delivery corn or wheat or cotton, with the intention that it must be delivered and paid for at the date, without regard to what it may be worth that day, and that they are not going to settle the difference. Now, a good many cotton mills in my country buy their cotton in that way rather than buy it and store it in the warehouses, running the risk of fire and having the expense of insurance and all that sort of thing. That would be what I would call a bona fide transaction. Is not that the situation? Does not this apply absolutely and solely to futures?

Mr. BACON. I think this language—and that was evidently the intention of the law, because, as suggested by the Senator from Rhode Island, it was to reach a certain class which was not reached properly by the law as it was theretofore—

Mr. TILLMAN. The preceding section—

Mr. BACON. The Senator will not let me answer the question.

Mr. TILLMAN. I beg the Senator's pardon. I had no desire to cut him off.

Mr. BACON. I was trying to answer the Senator's question.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him for a moment?

Mr. BACON. Certainly.

Mr. FORAKER. Transactions on boards of trade and chambers of commerce and exchanges are provided for by the act of 1898 specifically. By the amendment of 1901 we have two other classes provided for. One is the bucket shop proper, as it has come to be known, and the other is what you call the curbstone broker, and the curbstone broker is the first class described.

Mr. BACON. To what page does the Senator from Ohio refer?

Mr. FORAKER. Page 8. The provision, which the Senator has said is broad enough to apply to exchanges and boards of trade, because it applies to every kind of illegal transaction, is intended, as I understand, simply to meet such transactions as occur outside of boards of trade and exchanges and not in bucket shops.

There is in every city, as everyone knows, what is called a curbstone business. You may see it at any time in New York, where the curbstone brokers are at work transacting a great business there. Some of their transactions may be legitimate. Those are not intended to be taxed by this act at the rate of 2 cents a hundred; but those which are not legitimate, which are simply gambling in futures, as the Senator from South Carolina has said, which are transactions to be settled according to a figure that

may be reached when the market quotation is received from the board of trade, are the ones to be taxed.

It seems to me if the Senator will bear that in mind there will not be any trouble at all about this. In the first place, we have the boards of trade and the exchanges provided for by the act of 1898, and it was never intended to increase the tax on transactions had in exchanges or boards of trade, but it was intended to reach the bucket shop and to reach this outside transaction by the amendment of 1901.

Mr. BACON. Let us see whether or not the Senator from Ohio is correct in that statement, because if he is it is a very pertinent suggestion. I do not think the language of the law will bear him out at all in his proposition that this particular provision on page 8 was intended to be limited to the curbstone broker and to the bucket shop and was not intended to reach any organization or association other than those. Here is the language:

From and after the 1st day of April, 1901, every person, association, copartnership—

That might be limited to curbstone brokers, because the curbstone broker might be a person or an association of persons or a copartnership; but it goes on to say—

or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, etc.

Are not all these boards of trade corporations?

Mr. FORAKER. They may all be doing business on boards of trade, but they may still do business outside. They may transact business as curbstone brokers.

Mr. ALDRICH. They are associations.

Mr. BACON. This uses the word "association." So if they are not corporations, but are associations, they are still within the net; and it seems to me the lawmakers intended to use not only comprehensive language, but to use language that should be so varied as to prevent escape, which there might be from general language. It does seem to me that the Senator from Ohio is mistaken, and that the purpose was this. The purpose was to draw a distinction between legal contracts and illegal contracts. I am speaking about those which are denominated by the courts to be illegal contracts.

The purpose of the law was to draw a distinction between the cases where the contract for future delivery was made in good faith, for the purpose of securing the property, in which case the tax was only 1 cent, and the other class, where there was no purpose to get the property, where there was no desire on the part of the man who bought to acquire property and no desire on the part of the man who sold to dispose of the property, but where it was a Simon-pure gambling transaction, in which men were practically betting whether certain stock would go up or go down; and as to them, regardless of who made them, whether made by an individual on the curbstone or an association, or whether they were made on a board of trade, which must be either an association or a corporation—that as to all those transactions, essentially differing from the legal transactions which were upheld by the courts, there should be not simply the tax of 1 cent, but there should be the tax of 2 cents.

Therefore I submit that this particular provision of the law which is in contention between the two Houses is not one which has been disposed of by the agreement of the two Houses for its repeal. It is one now in issue between the two Houses. It is one which, being in issue, can either be adopted by the conference committee in whole or can be amended as suggested and agreed to by the Senator from Rhode Island. Having had the opportunity to examine it, having come to a conclusion satisfactory to my mind, I have no disposition to delay it.

But I want to say this: I think, as I have said before, that it is an extremely important matter. I think this is an immense business concern—if I may use the term as applying to the whole of them; for of course there are a great many concerns—involving an immense amount of capital and drawing its resources from every nook and corner of this country. It is a business as to which the tax which now remains on the illegal part of it (by an agreement of the two Houses the tax has been removed from the legal part of it) is the only possible tax that this vast business can pay.

If the Senate maintains its position before the country it is simply this: So far as the legal transactions upon stock exchanges are concerned—bona fide transactions, in the language of this law—there shall be no tax, but when it comes to the illegal business, when it comes to the business upon which every court in the United States has put the seal of its condemnation, but which can not be broken up, and which, as it continues as a business, ought to pay a revenue to the Government, we will retain the tax. That is all. As to all transactions which are in the view of the courts legal transactions we remove the tax, but as to all transactions which the courts have condemned as illegal, which can not be enforced in the courts, but still which involve no

offense against the moral law, if you please, the tax shall be continued, and not that new taxes shall be put on.

The suggestion which I should be glad to see followed by the conference committee is that the single discrimination in this section against legal transactions in bucket shops should be relieved. If that is done it is inconceivable to my mind—

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. Certainly.

Mr. FORAKER. The Senator's contention is that illegal transactions on boards of trade are subject to the tax of 2 cents.

Mr. BACON. When I say "illegal" I mean contracts which the courts will not enforce. The Senator understands what I mean.

Mr. FORAKER. That means any kind of transaction where it is not intended to make a delivery of the property.

Mr. BACON. Yes; those are the cases the courts have condemned.

Mr. FORAKER. The Senator is aware that almost all of the transactions on the boards of trade in the country are illegal within that meaning?

Mr. BACON. Very well.

Mr. FORAKER. That being true, and it having been established by the court, does it not have any weight with the Senator that although this law has been in force since April, 1901, nobody has ever sought to make a practical application of that construction? No such transaction, no transaction of that kind, on any board of trade in the country has ever been subjected to the 2-cent tax, but only to the 1-cent tax. Everybody being in harmony in the opinion that because boards of trade were provided for by the act of 1898 they were not included or intended to be included within the provisions of the amendatory act of 1901, but that that act was intended to apply just as it has been construed ever since the day when it was enacted—to apply only to bucket shops, which are named, and to illegitimate transactions outside of boards of trade and outside of bucket shops, namely, the curbstone brokers, transactions that were illegal—does it not have any weight with the Senator that nobody has ever sought to give any such construction as that for which he has contended? If you undertake to give it such construction, practically every transaction on every board of trade and every exchange in this country would be subject to the 2-cent tax.

Mr. BACON. I do not know why such a construction should not be sought to be made. I think it is the plain letter of it, and the framers of the act of 1901—

Mr. FORAKER. If the Senator will allow me, the question is whether or not it is the plain letter. The Senator seems to think it is the plain letter, but others of us think the plain letter of it is the other way, because boards of trade and exchanges are provided for specifically in the act of 1898, and it was not intended in this general provision to have any reference to them. It seems to me the plain letter of it is according to our contention, and it does seem to me it ought to have controlling weight with the Senator from Georgia, when others think the plain letter is that way, that the courts and everybody else seem to have agreed with us; at least, it does not seem ever to have occurred to anybody that the law of 1901 was applicable to illegal transactions on chambers of commerce and boards of trade.

Mr. BACON. If it be true that all of them are illegal transactions, and when I say that I do not use the word offensively—

Mr. FORAKER. I do not mean that. I do not say that.

Mr. BACON. Well, nine-tenths of them.

Mr. FORAKER. Yes; I expect so.

Mr. BACON. Nine-tenths. If that be true, there is more reason why the tax should be retained. There certainly has never been any decision of any court that I have ever seen, although it may be that it has escaped me, which holds—

Mr. FORAKER. That raises a question of policy. We have been talking about a question of construction—

Mr. BACON. I understand that.

Mr. FORAKER. And the question as to what is meant by this language I call the Senator's attention to how it has been construed in the practical application that has been made of it, and if we are to raise the question of policy the Senator will agree that the provision found in the act of 1898 is beyond consideration, both Houses having agreed to its repeal.

Mr. BACON. There is no doubt about that, none whatever. The Senator takes that position and he used the word "court." No court has ever decided, so far as I have known, that this does not apply to boards of trade, and why should it be that these transactions, which are condemned by the courts as illegal to the extent that the process of the court can not be used for their enforcement, should escape taxation on boards of trade and stock exchanges and not escape taxation when in bucket shops or on the curbstone?

I do not desire to continue this discussion, but I wish to say one word more. Senators say the question is whether or not this bill shall fail. Of course, I am very free to say that if it were a question as to whether the bill should fail, I would rather see this tax removed than to see the whole bill fail. While I think there are some other subjects of taxation in the war-revenue act which should have been retained, still the proposition for their repeal is one which meets with my approbation.

Now, I understand the House conferees have never taken this matter to the House, and there never has been any demonstration as to what the position of the House would be upon this subject. There never has been invoked the judgment of the House on the question whether or not, in view of the contention of the Senate—

Mr. ALDRICH arose.

Mr. BACON. Of course there was the original passage of the bill.

Mr. ALDRICH. The judgment of the House was invoked and it decided it by unanimous vote, on a roll call, of every Democrat and every Republican.

Mr. BACON. I understand that, and we all know how it was done, when the measure was brought in under a cast-iron rule by which it admitted of no amendment. That is what it was.

Mr. ALDRICH. There never was a suggestion of any amendment in the House to retain this provision. That was entirely initiated by the Finance Committee of the Senate.

Mr. BACON. That is all true; but being initiated by the Finance Committee of the Senate, and the Senate having passed the bill and said that in its judgment that provision should be there, I submit that before we retreat from that we should at least give the House the opportunity to say whether or not it agrees with the Senate, and it ought not to be limited simply to a conference of a few Senators and a few Representatives, constituting the conference committee, to say whether or not the decision which they reach shall be final, and that, without opportunity on the part of the House to pass upon it, the House must either accept the judgment of the conference committee or agree to the loss of the bill.

The proposition I wish to present—and it is all I have to say—is this: I can not conceive that the House of Representatives, if the proposition is presented to them that the Senate urges and insists upon this amendment, should return as an answer: "We will let this bill fail which repeals all of these war taxes rather than retain in the bill any tax upon this business condemned by the courts, the greatest of all drafts upon the resources of the country, a business of immense proportions and stupendous profits on the one side and corresponding losses on the other; rather than to see that taxed we will permit this bill to fail." I can not conceive that that should be the position of the House of Representatives. Therefore, Mr. President, I shall myself vote against the conference report, simply with the hope that the Senate will give to the House of Representatives—not merely to their conferees, but in their own Hall—the opportunity to say whether they agree to the retention of the tax upon this business.

Mr. TILLMAN. Before the Senator from Georgia and the Senator from Ohio leave this subject entirely, I wish a little light, and these two headlights, I think, can illuminate a little the dark places in my mind. One used the word "illegal" and the other used the word "illegitimate," presumably meaning the same thing. To my mind they mean entirely different things. But I presume the construction they intend to put on them was—

Mr. BACON. Which did I use?

Mr. TILLMAN. "Illegal." I think you are right in that. "Illegitimate" is right, possibly, but a weaker word for this occasion.

Mr. FORAKER. I mean to say contracts contrary to public opinion, which the courts would not enforce.

Mr. TILLMAN. The point I want to ask about is this: This illegality resting on decisions of the courts that such contracts are not enforceable because of their illegality or from the fact that they are contrary to sound public policy or something—I do not know what the decision of the court was as to the reason—I want to know whether, if you tax these illegitimate or illegal transactions, you have not legalized them. Do you pretend to say you can come in here and tax a business, and thereby recognize it; that if you do not take steps to extirpate it, but simply recognize it and gather money from it, it is not legalized? That is a question for some of you lawyers to elucidate.

Mr. BACON. The Senator will pardon me. The transaction is termed illegal—

Mr. TILLMAN. By whom?

Mr. BACON. The Senator will pardon me until I make my statement, if he pleases.

Mr. TILLMAN. By the court.

Mr. BACON. I will start over. The transaction of this character is denominated "illegal," not because it is prohibited by

law—of course under such circumstances the criticism of the Senator would be eminently proper—but they are transactions of a class where, while not prohibited by law, the court will not lend its aid to enforce them. There is no law by which a man is punished by reason of having engaged in such a transaction, but the courts say they will leave the parties just where they find them. There is no prohibition on them. If there were, to tax them would be subject to very grave criticism, but it has always been recognized that transactions of this class have been illegal in that sense simply that the courts will not enforce them. Nevertheless they are legitimate subjects of taxation, and in taxing them we do not legalize them in a sense that we legalize the sale of liquor when it is taxed.

Mr. TILLMAN. Can the Senator give us an illustration of some other illegal or illegitimate business subject to taxation?

Mr. BACON. That one is so great and general and so widely known that it is sufficient without going to any other.

Mr. SPOONER. Mr. President, I have been in favor and am in favor of retaining the tax imposed by the act of 1901 on transactions defined in subdivision 3, and the provisions in relation to bucket shops. I am not able to see, with great deference to my friend from Georgia [Mr. BACON], that as the act of 1901 was drawn there is any connection or relation between the provisions applied to the sales on boards of trade and exchanges and the provisions intended to apply in what is called the "bucket-shop section."

Upon each sale, agreement of sale, or agreement to sell, any products or merchandise at any exchange or board of trade or other similar place—

The Senator said when he first arose "any other place." It does not say that nor does it mean that—

or other similar place, either for present or future delivery, for each \$100 in value, of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional \$100 or fractional part thereof in excess of \$100, 1 cent, etc.

With a proviso requiring that there shall be a memorandum and certain detailed information and also with some punitive provisions. This applies to actual transactions.

Mr. BACON. Every kind?

Mr. SPOONER. Every kind, for present or future delivery. A man may sell through a broker at an exchange a million bushels of wheat. He may sell it for present delivery or he may sell it for future delivery. It is a transaction on a board of trade, an exchange, or a similar place—an actual transaction. It may be that between the customer and the broker it is understood that there shall be no actual delivery, but a settlement upon the basis of differences, and such a contract the court may not lend its aid to enforce, because it possesses the element of gambling; but just the same there has been an actual transaction on a board of trade or exchange.

The provision of section 3, which the Senator has read, applies only to bets. It applies only to transactions, as I understand it, between individuals where there has been no actual transaction on a board of trade or exchange. Whatever the contract may be between the broker and the customer, the actual sale or the actual purchase, on the exchange or the board of trade, fixes the price for the transaction. It is not so as to the transactions described here in the bucket-shop provisions.

Every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices—

Not on those sales or purchases, but by the record made of other sales and other purchases, with which they have nothing whatever to do—

made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange—

Mr. TILLMAN. How do you get around the word "such" if it does not apply to all?

Mr. SPOONER. The word "such" refers to the board of trade or exchange used in the two or three lines above—

or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in.

By anybody and everybody except the parties to this particular transaction which the statute is intended to reach. But it excludes all cases where there has been an actual transaction on the board of trade and only applies to those cases where the settlement is made between the customer and the broker on the basis of quotations as shown by actual transactions on boards of trade.

This is really not much if any more than what the courts have held to be the definition of bucket-shop transactions—purely gambling transactions—a bet that at the end of a certain day the

price of corn or the price of cotton on a certain exchange will be so much or so much. The parties to the transaction denounced here, or rather taxed, are not having any actual transactions themselves on any board of trade or exchange.

It is a pure bet, a pure gamble, and nothing else, as I look at it, and it does not apply at all to the same class of transactions which are taxed in the preceding section. When Congress repeals the preceding section and declares its purpose not any longer to impose the tax upon sales or agreements to sell actually made for present or future delivery on exchanges or boards of trade it can not be argued from any language which remains in subdivision 3 that a portion of the repealed section remains in force. If this section were left in the statute and the other section repealed, as it has been repealed, it would still for the purposes of construction be in the statute.

The court in ascertaining the true meaning or the intent of Congress in the language used in this subdivision 3 would not exclude from consideration the section that had existed and that had been repealed, applying to actual transactions for present and future delivery on boards of trade and exchanges.

Mr. President, answering the question of the Senator from South Carolina [Mr. TILLMAN], this act excluded the notion that so far as the States were concerned this tax was to validate the business as against the power of the State; to declare, as some States have done, bucket shops illegal, as they declared the selling of pools to be illegal, because the following language was inserted:

That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The elaboration the Senator has just read there, that the act does not undertake to legalize or to interfere with the punitive statutes of a State, does not itself answer my question.

Mr. SPOONER. The Supreme Court decided on just such a case—that is, in the license-tax cases—that all that such a statute means is to impose the Federal tax upon the business or upon the object of taxation, not thereby licensing it as a business within a State, but as indicative that even if the business were carried on and paid the tax, the United States did not intend to put itself in the position of criminally prosecuting it as an unlawful business from the Federal standpoint.

Mr. TILLMAN. We have a much more flagrant lack of comity between the United States and the States in the matter of whisky. Some States prohibited the sale of whisky, and yet the United States grants licenses in those States to sell whisky—not a license, but it collects a tax and expressly says that it does not carry with it the legalizing of the traffic.

Mr. SPOONER. Certainly. That was involved in the license-tax cases. But, while Congress imposes a tax upon liquor and a license tax upon the dealers in liquor, it is within the constitutional capacity of the State to entirely prohibit either the manufacture or sale of liquor within that State.

Mr. TILLMAN. Yet here you have—

Mr. SPOONER. If it is not manufactured or sold it can not be taxed. It is entirely competent for the State to take charge of the business itself, as it is done in the State of the Senator from South Carolina. But, Mr. President—

Mr. TILLMAN. I was just calling the Senator's attention to the fact, however, that the United States encourages the illicit sale in South Carolina, for instance, by issuing its receipts for the tax to whoever offers to pay, knowing that the State prohibits the sale except in a certain way by State officers. The National Government for the pittance of a few thousand dollars received in that way from this tax on retailers lends its assistance and encouragement to the illegal or the illegitimate dealers in whisky.

Mr. SPOONER. That is very interesting, but I suppose my friend will admit it has nothing whatever to do with the question which I am now discussing.

Now, Mr. President, one word further. The exchanges of the country, the chambers of commerce, boards of trade, are well established and thoroughly organized. The men who deal with those exchanges are admitted to membership. They have committees. They have rules which I think are mostly uniform throughout the country. They have the strongest inquisitorial power. They have the power to expel men who perpetrate frauds in violation of the rules upon customers.

The bucket shops and the curb brokers, as a rule, are not members of the exchanges. This has been the difficulty, being a mere bet on prices, unaccompanied by any actual transaction upon the exchanges, they are established with little capital, and they need little in carrying on such a business all over the United States. They are in the smaller places as well as in the large cities, and it has been the most insidious and the most destructive form of gambling. It has ruined, I venture to say, more clerks, caused them to become embezzlers, involved them in imprisonment and crime, than almost any other one thing.

I voted to put this tax upon the bucket shop. It requires every person engaged in that business to make it known to the authorities of the United States that they are engaged in the business, so that the person who is invited into their office knows whether he is going into the office of a person or a firm connected with one of the established boards of trade, or whether he is going into a mere pool shop or gambling house.

Mr. BACON. Does not the Senator think, in view of that, it is extremely important that the Senate should stand by the proposition to continue to tax them?

Mr. SPOONER. Mr. President, I have desired, as I said at the beginning, that we should retain this tax. I believe it is a wholesome tax. I believe it is a well-justified tax, and I dislike extremely that the Congress shall repeal it.

Mr. BACON. Does not the Senator think it would be a good idea to let the House have an opportunity to say whether or not they will refuse to agree to the repeal of this tax? It has never had the opportunity so far.

Mr. SPOONER. I have the profoundest confidence in the Senators who are on this conference committee. They were in favor of retaining the tax in committee, if I may properly say that; and I have no doubt whatever that they have labored long and by every means in their power to secure its retention.

Mr. BACON. I do not doubt that at all.

Mr. SPOONER. I want it retained, but, Mr. President, when they state to the Senate that the House is irrevocably opposed to it—

Mr. TILLMAN. The House committee?

Mr. SPOONER. Yes; the House committee. When they state to the Senate that it is useless to continue the fight in conference for it, I am not willing myself to jeopardize this bill, which vastly reduces taxation. I hate to vote for this report in the first instance, but the Senators say it will be unavailing to contend longer in the conference, and I shall vote for it.

Mr. HOAR. Mr. President, I wish to state in one or two sentences only the proposition which I stated a little while ago, which the Senator from Georgia did not seem to apprehend.

The Constitution says that all revenue bills shall be first proposed in the House—in other words, that there shall not be a tax put upon the people unless the House think there should be a tax. It provides that such bills may be amended in the Senate, and also in order to avoid the construction of the British Parliament that you can only amend such bills by matters which relate to the same subject of taxation and not put in a new one, it adds for greater caution the phrase that the Senate may make amendments as in other bills. So the power of the Senate is absolute, unqualified, and unlimited over amendments to such bills.

But it was not intended that there should be a tax unless the representatives of the people wanted it and think that there should be one. If there should be one, we may concern ourselves about what may be the object.

The House proposed and we agreed to a war tax for a particular special occasion, which has passed; and now the House say they do not want that war tax any longer and it is time it should end. My proposition is that the question whether a tax under those circumstances should be continued ought to be settled by the House.

Mr. TILLMAN. Mr. President—

Mr. HOAR. I wish to make my statement before I am interrupted, and then I will listen to the Senator. I do not mean that we have not the constitutional power as a matter of mere blind power to hold on to a tax which the House want to abolish, but I do mean to say that the principle of the Constitution which requires the opinion of the House to favor such a tax requires us to pay the very greatest deference indeed to the opinion of the House that it should not continue.

Now, if you continue this war tax or any part of it you have an imposition which the representatives of the people submitted to for a special exigency put upon the people as a permanent method of raising money for ordinary public expenditures, and whenever a war tax is proposed hereafter under the exigency and danger of a great war the House of Representatives have to be told that they put their necks in a noose, and that they can not get rid of that tax for a thousand years unless the Senate consents, although the war has long gone by and the money is going to be appropriated for ordinary purposes.

Now, what is the result of that? This body, for whose rightful constitutional prerogative no man will stand longer than I do, as it was constituted by the Constitution, is so constituted that a majority may cast a vote at any particular time of less than a quarter of the American people, if I am not mistaken, certainly less than a third. Therefore, a quarter of the American people may hold on to a tax which three quarters, speaking by their representative body, the House, think ought not to continue any longer.

I say that is not only violative of the principle of the Constitution, of the theory on which the taxing power was committed in the Constitution, but it is an enormous danger to the Senate, already enough in danger from wild and foolish attempts to overthrow it. I say it is not sound constitutional policy, if the House of Representatives tell us that they made a war tax for three or four years, to have us stand up and say we do not care whether you want to repeal it or not it shall continue a century and you can not help yourselves. Is that a sound constitutional proposition or not? If it is, I am just justified in voting for this repeal.

Mr. BACON. Mr. President, the argument of the learned Senator would be an excellent one why it should be provided in the Constitution that a revenue bill should be determined at the other end of the Capitol, without coming here at all; but I can not, in deference to my friend from Rhode Island, pursue the subject in reply to the learned Senator or the equally learned Senator from Wisconsin, and therefore I shall not occupy the time of the Senate in attempting to do so.

The PRESIDING OFFICER. Will the Senate agree to the conference report?

Mr. ALDRICH. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote if here, and so I refrain from voting.

Mr. CULBERSON (when his name was called). I am paired with the Senator from Wisconsin [Mr. QUARLES], and therefore withhold my vote.

Mr. DEPEW (when his name was called). I am paired with the Senator from Louisiana [Mr. MCENERY].

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not see him present, and therefore I withhold my vote.

Mr. MITCHELL (when his name was called). I wish to inquire whether the Senator from Idaho [Mr. DUBOIS], with whom I am paired, has voted?

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Chair is informed that the Senator from Idaho has not voted.

Mr. MITCHELL. Then I withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. As he is necessarily absent, I withhold my vote.

The roll call was concluded.

Mr. MALLORY (after having voted in the negative). I desire to inquire if the senior Senator from Vermont [Mr. PROCTOR] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. MALLORY. I have a general pair with the Senator from Vermont, and I voted under the misapprehension that he was present. I therefore withdraw my vote.

Mr. DOLLIVER (after having voted in the affirmative). I desire to inquire whether the senior Senator from Mississippi [Mr. MONEY] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. DOLLIVER. Being informed by the chairman of the Finance Committee [Mr. ALDRICH] that the Senator from Mississippi [Mr. MONEY] is in favor of the adoption of the conference report, although I am paired with him generally, I will allow my vote to stand.

Mr. DEPEW. I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to the Senator from Nevada [Mr. JONES] and vote. I vote "yea."

Mr. McLAURIN of Mississippi (after having voted in the negative). I desire to inquire whether the junior Senator from Washington [Mr. FOSTER] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. McLAURIN of Mississippi. Then I withdraw my vote, as I have a general pair with the junior Senator from Washington.

Mr. McMILLAN. As I announced a while ago, I have a general pair with the Senator from Kentucky [Mr. BLACKBURN]. The Senator from Mississippi [Mr. McLAURIN] is paired with the Senator from Washington [Mr. FOSTER]. I suggest to the Senator from Mississippi that we transfer our pairs, so that we shall both be at liberty to vote.

Mr. McLAURIN of Mississippi. That is agreeable to me, and under that arrangement I will allow my vote in the negative to stand.

Mr. McMILLAN. Under that arrangement I am at liberty to vote, and I vote "yea."

The result was announced—yeas 36, nays 20; as follows:

YEAS—36.

| | | | |
|-------------|-------------|--------------|--------------|
| Aldrich, | Dolliver, | Lodge, | Platt, N. Y. |
| Allison, | Dryden, | McMillan, | Quay, |
| Bard, | Fairbanks, | Millard, | Scott, |
| Beveridge, | Foraker, | Nelson, | Simon, |
| Burrows, | Frye, | Patterson, | Spooner, |
| Clapp, | Gallinger, | Penrose, | Stewart, |
| Deboe, | Hansbrough, | Perkins, | Teller, |
| Depew, | Hoar, | Pettus, | Vest, |
| Dillingham, | Kean, | Platt, Conn. | Westmore. |

NAYS—20.

| | | | |
|--------------|---------|-----------------|-----------------|
| Bacon, | Clay, | Hawley, | McLaurin, S. C. |
| Bate, | Cullom, | Heitfeld, | Martin, |
| Berry, | Daniel, | Jones, Ark. | Simmons, |
| Carmack, | Gamble, | Kittredge, | Taliaferro, |
| Clark, Mont. | Gibson, | McLaurin, Miss. | Tillman. |

NOT VOTING—32.

| | | | |
|-------------|---------------|-----------|-------------|
| Bailey, | Dubois, | Kearns, | Morgan, |
| Blackburn, | Elkins, | McComas, | Pritchard, |
| Burnham, | Foster, La. | McCumber, | Proctor, |
| Burton, | Foster, Wash. | McEnery, | Quarles, |
| Clark, Wyo. | Hale, | Mallory, | Rawlins, |
| Cockrell, | Hanna, | Mason, | Turner, |
| Culbertson, | Harris, | Mitchell, | Warren, |
| Dietrich, | Jones, Nev. | Money, | Wellington. |

So the report of the committee of conference was agreed to.

CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. HANSBROUGH. I desire to offer an amendment intended to be proposed to the pending bill, which I ask may be printed and lie upon the table.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from North Dakota will be received, printed, and ordered to lie upon the table.

Mr. DEPEW. Mr. President, as I shall have to be absent from the Senate, I ask unanimous consent to submit an amendment on page 10, line 25, before the word "Manila," by inserting the words "Malone, N. Y.; Rouses Point, N. Y." I understand the chairman of the committee agrees that I may offer the amendment at this time.

The PRESIDING OFFICER. The Senator from New York asks leave to submit an amendment at this time to the pending bill. Is there objection? The Chair hears none.

Mr. KEAN. What is the amendment?

Mr. COCKRELL. Let the amendment be read at the place where it is to be inserted in the bill.

The PRESIDING OFFICER. The amendment submitted by the Senator from New York will be stated.

The SECRETARY. On page 10, line 25, before the word "Manila," it is proposed to insert "Malone, N. Y.; Rouses Point, N. Y."

The amendment was agreed to.

Mr. LODGE. I want to make a suggestion. I think it is not generally understood that only about one-third of the pending bill has been read; and it seems to me, for the better dispatch of business, the bill should be regularly read, the committee amendments disposed of as they are reached, and then the bill will be open to further amendment.

Mr. PENROSE. I would suggest, as the Senator from North Carolina [Mr. SIMMONS] is prepared to address the Senate on this bill, that he proceed with his remarks, and then we can have the reading of the bill completed at the conclusion of his remarks, which, I understand, will be brief.

Mr. CULLOM. I stated on Saturday last that I desired to address the Senate this morning upon the pending bill. I should proceed now were it not that I should be compelled to leave the Senate before I had an opportunity to conclude my remarks. I

therefore desire to say that I shall speak upon the bill to-morrow, if I can then get the opportunity, instead of to-day.

Mr. SIMMONS. Mr. President, I do not rise for the purpose of making a speech upon the pending bill, but to make a statement in explanation of the vote which I shall cast.

I shall vote for this bill, but I shall vote for it reluctantly. I shall vote for it reluctantly because I am not at all satisfied that the best interests of the country, considered as a whole, requires its passage. I shall vote for it reluctantly also because the cotton manufacturers of my State are appealing to Congress in protest against its enactment. Cotton manufacturing has grown to great proportions in my State. The men who are engaged in this work are among its best citizenship, and they are doing a great work in upbuilding that State, and I want by my votes here, as far as I can consistently and conscientiously, to encourage and promote this great industry.

Now, the cotton manufacturers of my State and the South have in recent years built up a valuable trade, which is rapidly increasing, with China, in the coarser grades of their products, and they believe, or at least fear, that if this bill is passed it will lead to retaliatory action on the part of China which will check, if it does not destroy, this trade. I do not believe the passage of the bill will lead to the retaliatory action which these manufacturers apprehend, although I must concede it may possibly have this effect. On account of this I shall vote for this measure, reluctantly, as I said before, because I dislike to cast a vote which may expose this trade to even possible danger.

But there is another appeal which has come to us which, for one, I find myself unable to resist. It is the appeal of the people of the Pacific coast. It is the people of that section of our country who have to deal with this Chinese question. For years they have been face to face with it, and they understand it in all of its phases. Those people come to us and they say that Chinese immigration and Chinese settlement upon the Pacific coast involves not only a political but a social question, and that the presence in any great numbers of Chinamen there threatens not only the peace and order and tranquillity of society but threatens their very civilization.

I can not understand, and the people of the South can not understand, the prejudice of the people of the Pacific coast toward the Chinaman both as a man and as a laborer. We do not share in it. There is no prejudice of that sort in my section. On the contrary, there are many in my State who would be glad to see the Chinese laborer come among them and supplement at least the very inefficient and unreliable farm labor that we have. While we do not understand the prejudice of the people of the Pacific coast toward the Chinaman, we know the fact that it exists and we believe there is foundation for it, and because we do so believe, and because the people of the Pacific coast are chiefly concerned in this matter, we are ready to join with them in any determination of this question which their long experience in dealing with it may suggest as being in the interest of the people of that section and as just and right.

Mr. President, we have a problem in the South also—a great social and political problem—with which we are struggling, and with which we have been struggling for the past thirty years. The people of the remainder of the country can not understand the attitude and feeling and the inexorable purpose of the South with reference to the negro question. They think that our attitude toward the negro is inspired by prejudice and hostility. That is a mistake. We have no prejudice and we have no hostility to the negro. Our attitude toward him is actuated solely by the desire to preserve our civilization and to promote the welfare of both races. If we are permitted in the South to deal with and to settle the negro question in our own way, without unnecessary interference from the balance of the country, we will settle it not only in the interest of the white man, but we will settle it in the interest of the negro, and we will settle it in the interest of the social, the intellectual, and the material progress, not only of the South, but of the whole country. If the North and the West and the East are determined to saddle and fix upon us obnoxious social conditions we will not in a spirit of retaliation seek to enforce against other sections similar and equally objectionable social conditions.

It has been said that the Southern people are a hot-headed people, a hard-headed people, and a stubborn people. We are a stubborn people in maintaining what we believe to be right; and we are a stubborn people in opposing what we believe to be wrong, but vindictiveness has no place in Southern character, and though smarting under a sense of injustice to ourselves, we are strong enough and broad enough to rise above the spirit of the vendetta and do what we believe to be right and just toward every other section of the country, though the same measure should not be meted out to us.

The reading of the bill was resumed. The next amendment of

the Committee on Immigration was, in section 20, on page 18, line 4, after the word "act," to strike out "or thereafter," the provisions of sections 15, 16, 17, 18, and 19 shall not apply (except as to retention of certificate as an evidence of status, by a person obtaining one thereunder), but in lieu thereof these," and insert the words "the following;" and in line 8, after the word "provisions," to strike out "designed to give him all freedom of movement compatible with the prevention of abuse of the privilege given to his class;" so as to make the paragraph read:

Sec. 20. That in the case of a Chinese person who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act, the following provisions shall govern:

The amendment was agreed to.

The next amendment was, on page 18, line 11, after the word "him," to strike out "readily, that he may be spared the annoyance of being confused with imposters seeking to abuse the privilege the United States reserves for good-faith members of certain classes;" in line 16, after the word "certificate," to insert "of registration;" in line 19, after the word "as," to insert "may be required by rules and regulations prescribed by;" in line 21, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 22, after the word "Treasury," to strike out "may by rule prescribe;" on page 19, line 1, after the word "made," to strike out "at his expense and;" in the same line, after the word "by," to strike out "rules of" and insert "the rules and regulations prescribed by;" in line 3, after the word "Immigration," to strike out "acting under direction" and insert "with the approval;" and in line 4, after the word "Treasury," to strike out "which expense shall be the only charge to him in connection with such certificate;" so as to make the paragraph read:

First. To enable the United States to identify him he shall be entitled to have issued to him by the appropriate Treasury officer a certificate of registration setting forth his personal signature, his name, his personal description, his residence, his occupation and place of pursuing it, together with such details concerning it and such other matter as may be required by rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. This certificate shall be made in duplicate, and the copy shall be retained by the officer issuing the certificate. The original and the copy shall each contain the photograph of the applicant, made as required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 19, line 8, before the word "presumed," to strike out "rebuttably;" and in line 9, after the words "United States," to strike out the period and insert a comma and the words "but such presumption may be rebutted;" so as to make the paragraph read:

Persons entitled to such certificates who fail to obtain them shall be, in any proceeding inquiring into their status under this act, presumed to be laborers not entitled to remain within territory of the United States, but such presumption may be rebutted.

The amendment was agreed to.

The next amendment was, on page 19, line 13, after the word "or," to strike out "a particular," and insert "any portion of the;" in line 14, after the word "he," to strike out "shall," and insert "may, if he so desire;" in line 16, after the word "district," to strike out "from which he wishes to depart, and," and insert "wherein he resides, at least one month prior to the time of his departure, such application to be accompanied by his certificate of registration, and in that event;" in line 19, after the word "make," to strike out "on oath," and insert "under oath;" in line 23, after the word "regulations," to strike out "from time to time;" in line 24, after the word "Immigration," to strike out "under direction," and insert "with the approval;" on page 20, line 1, after the word "penalties," to strike out "of" and insert "imposed by law for;" in line 2 after the word "perjury," to strike out the period and insert a semicolon and the word "and;" and in the same line, before the word "shall," to strike out "He," and insert "he;" so as to make the paragraph read:

Second. When any Chinese person who, being a member of any of the classes mentioned in section 4, desires to depart from the United States or any portion of the territory thereof, intending to return thereto, he may, if he so desire, apply to the appropriate Treasury officer in the district wherein he resides, at least one month prior to the time of his departure, such application to be accompanied by his certificate of registration, and in that event shall make under oath before said officer a full statement, in triplicate, descriptive of his professional, business, or other position or status, and shall furnish to said officer such proof of his status as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury; and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The amendment was agreed to.

The next amendment was, on page 20, line 6, after the word "applicant," to strike out "made at his expense and;" in line 8, before the word "prescribed," to strike out "in that regard" and insert "and regulations," and line 9, after the word "immigra-

tion," to strike out "under direction" and insert "with the approval," so as to make the paragraph read:

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to insert:

The original of said statement shall be retained by the Treasury officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

The amendment was agreed to.

The next amendment was, on page 20, line 16, before the word "officer," to insert "last-named;" so as to read:

And if said last-named officer, after hearing the proofs and investigating all the circumstances of the case, etc.

The amendment was agreed to.

The next amendment was, on page 20, line 24, after the word "was," to strike out "given" and insert "originally issued;" so as to make the paragraph read:

If the last-named certificate be transferred, it shall become void, and the person to whom it was originally issued shall forfeit his right to reside in, or return to, the United States.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after the word "or," to strike out "some particular" and insert "any portion of the;" in line 5, after the word "thereof," to strike out "as the case may be;" in line 7, after the word "port," to strike out "or place;" in line 8, after the word "for," to strike out "and this in addition to the showing called for by preceding provisions of this act;" in line 10, after the word "port," to strike out "or place;" and in line 11, after the word "departed," to insert:

But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof.

So as to make the paragraph read:

Third. To entitle any such Chinese person as is mentioned in this section to readmission to the United States or any portion of the territory thereof, he shall produce to the appropriate Treasury officer at the port of entry the return certificate in this section provided for, and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof.

Mr. PLATT of Connecticut. I should like to have this amendment explained. I do not catch its meaning. Indeed, it is very difficult to get the meaning of a good many of these amendments, but, as I understand, this applies—

Mr. MITCHELL. What page?

The PRESIDING OFFICER (Mr. KEAN in the chair). Page 21.

Mr. PLATT of Connecticut. I think I see that the provision applies to persons named in section 4, who are the exempt persons. It says if he chooses he may waive the provisions of the second and third sections of the act and depend upon the provisions of section 8. I do not understand it very well, and I wish that some one would explain it. I do not wish to delay the reading of the bill and action on these amendments, but certainly we ought to have the right, after the amendments are perfected, to propose amendments to them without being cut off by the rule that an amendment has once been adopted. I suppose a Senator would have a right to do that when the bill gets into the Senate. I do not wish to delay the Senate now, but sometime, certainly, I should like an explanation to be made of this amendment.

The PRESIDING OFFICER. What is the request of the Senator from Connecticut—that this section be passed over?

Mr. PLATT of Connecticut. No; I did request that the reason for the amendment be explained, but as no one seems ready to do so at the present time the reading may proceed.

Mr. TELLER. I wish to suggest that nobody knows what this bill is, and nobody will know until the amendments are either adopted or rejected. It seems to me the best thing to do is to go on with the bill, have the bill amended as the committee wants it, unless somebody raises a question, and then let us have the bill reprinted and we can take it up and see what it is.

Mr. PLATT of Connecticut. Unless we shall be cut off by the rule that amendments have been adopted that will satisfy me precisely, because I should like to have all of the amendments suggested by the committee adopted, if they wish them to be, and then have the bill printed, so as to enable us to see what it is, and have it all open to amendment.

Mr. TELLER. That is what we ought to do.

Mr. COCKRELL. I suggest to the chairman of the committee that he ask unanimous consent to consider any amendments which may be reported and adopted by the committee still subject to amendment.

Mr. PENROSE. Of course. That is my understanding.

Mr. COCKRELL. That will hasten the consideration of the bill.

Mr. TELLER. They would be open to amendment when the bill got into the Senate anyway.

Mr. COCKRELL. I know.

Mr. TELLER. So Senators would not be cut off. However, it is better to have it in this way.

Mr. PENROSE. I think it is better to proceed with the reading of the bill. There are few Senators present, and any discussion as to the details of the bill would be unproductive. Everything will be explained.

Mr. TELLER. Then let us have a reprint of the bill.

Mr. PLATT of Connecticut. That will be perfectly satisfactory to me, provided we can then move amendments to the bill as it has been perfected.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered. The question is on agreeing to the amendment reported by the Committee on Immigration.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Immigration was, in section 21, page 21, line 18, after the word "any," to strike out "particular" and insert "portion of the;" in line 19, after the word "thereof," to strike out "as the case may be;" in line 20, after the word "children," to strike out "not more than 12 years of age;" in line 22, after the word "four," to insert "actually domiciled in the United States at the time of such proposed entry;" in line 25, after the word "to," to strike out "produce to" and insert "establish to the satisfaction of;" on page 22, line 1, after the word "port," to strike out "or place;" and in line 2, after the word "entry," to insert "that the required relationship exists and to produce to him;" so as to make the paragraph read:

SEC. 21. That nothing in this act shall be construed to prevent the entry into the United States, or any portion of the territory thereof, of the lawful wife or the minor children of any Chinese person of any of the classes mentioned in section 4 actually domiciled in the United States at the time of such proposed entry: *Provided*, That no such wife nor any of such children shall be permitted to enter who shall fail to establish to the satisfaction of the appropriate Treasury officer at the port of entry that the required relationship exists and to produce to him a certificate as follows:

The amendment was agreed to.

The next amendment was, on page 22, line 6, section 21, after the word "consular," to strike out "officer" and insert "representative;" so as to make the paragraph read:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person departed, and shall show that after investigation said representative believes it to be true that the relationship asserted genuinely exists.

The amendment was agreed to.

The next amendment was, on page 22, line 10, section 21, after the word "from," to strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 15, after the word "from," to strike out "one" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 16, after the word "into," to strike out "another" and insert "other;" in line 17, after the word "insular," to strike out "possession" and insert "territory;" in line 19, before the word "the," where it occurs the second time, to strike out "in" and insert "at," and in the same line, after the word "port," to strike out "or place;" so as to make the paragraph read:

Second. If the wife or child come from any insular territory of the United States and seek entry into American-mainland territory of the United States, or come from American-mainland territory of the United States and seek entry into insular territory of the United States, or come from any insular territory of the United States and seek entry into other insular territory of the United States, the certificate shall have been issued by the appropriate Treasury officer of the United States at the port whence such person departed, and shall show that after investigation said officer believes it to be true that the relationship asserted genuinely exists.

The amendment was agreed to.

The next amendment was, on page 23, line 1, section 21, after the word "required," to insert "and claimed," and in line 2, after the word "otherwise," to strike out:

The purpose of these provisions being to indulge humane consideration for the welfare and domestic happiness of good-faith Chinese families, but strictly to prohibit entry, under cover of this policy, of prostitutes, slaves, orphans, and persons who are not the persons and have not the relationship asserted.

So as to make the paragraph read:

Third. It is hereby made the duty of diplomatic and consular representatives of the United States, and of the appropriate Treasury officers, to make rigid investigations of all applications for such certificates, and to issue them when the relationship required and claimed is clearly established, but not otherwise.

The amendment was agreed to.

The next amendment was, on page 23, line 9, section 21, after the word "named," to strike out "in it" and insert "therein;" in line 11, before the word "rules," to insert "the;" in line 12,

before the word "prescribed," to insert "and regulations;" in line 13, before the word "of," to strike out "under direction" and insert "with the approval;" in line 15, before the word "at," to strike out "at the expense of the applicant, and," and in line 16, after the word "rules," to insert "and regulations;" so as to make the paragraph read:

Fourth. Each of said certificates shall be issued in triplicate, and shall contain the photograph of the person named therein, and in addition to the matter already mentioned shall contain whatever may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. The photographs shall be made at the time and in the manner required by said rules and regulations.

The amendment was agreed to.

The next amendment was, on page 23, line 18, section 21, before the word "issuing," to strike out "person" and insert "representative or officer;" so as to make the paragraph read:

The original certificate shall be, by the representative or officer issuing it, delivered open to the person named in it, or, if such person be an infant, to the person in charge of such infant.

The amendment was agreed to.

The next amendment was, on page 23, line 22, section 21, before the word "officer," to insert "representative or;" on page 24, line 2, before the word "where," to strike out "or place;" and in line 4, after the word "section," to strike out "fifty-two" and insert "fifty-three;" so as to make the paragraph read:

The duplicate thereof shall be, by said representative or officer, delivered in a sealed envelope, duly addressed, to the shipmaster, railway conductor, or other person in charge of the transportation of the person for whom the original is available, whose duty it shall be to deliver it promptly to the appropriate Treasury officer of the United States at the port where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The amendment was agreed to.

The next amendment was, on page 24, line 6, section 21, before the word "officer," to insert "representative or;" in line 7, before the word "said," to strike out "or place" and insert "where;" and in line 8, after the word "entry," to strike out:

Provided, That no wife or child shall be privileged to enter unless accompanied by the husband or father on relationship to whom such privilege depends: *And provided further*, That the privilege of a wife or child to remain in the United States, or particular territory thereof, as the case may be, shall cease when the right of the husband or father so to remain ceases for any reason. And no woman shall be deemed a wife within the meaning of this section or any other provision of this act unless she be a wife as distinguished from a concubine, the intent of this requirement being to have regard to polygamous and allied practices and customs among the Chinese, and to restrict right of entry to one wife of any Chinese man entitled to bring his wife with him into the United States or particular territory thereof, and she the woman who, under the general custom obtaining among his nation, is best entitled to be deemed his wife if he have more than one woman holding to him relationship of wifely character.

And insert:

Provided, That no woman shall be entitled to enter under this section unless she shall establish, by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the primary and lawful wife of a member of one of the classes enumerated in section 5, under a marriage contracted in such manner as to be legal and binding in the United States.

So as to make the paragraph read:

The triplicate thereof shall be, by the representative or officer issuing the certificate, immediately sent by mail to the appropriate Treasury officer at the port where said Chinese person seeks entry: *Provided*, That no woman shall be entitled to enter under this section unless she shall establish, by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the primary and lawful wife of a member of one of the classes enumerated in section 5, under a marriage contracted in such manner as to be legal and binding in the United States.

The amendment was agreed to.

The next amendment was, in section 22, on page 25, line 13, before the word "Secretary," to strike out "Commissioner-General of Immigration, under direction of the;" so as to make the paragraph read:

SEC. 22. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants or servants, who shall be admitted to the United States under special instructions of the Secretary of the Treasury, without production of other evidence than that of personal identity.

The amendment was agreed to.

The next amendment was, in section 22, on page 25, line 18, before the word "rules," to insert "the;" in the same line, before the word "prescribed," to insert "and regulations;" and in line 20, before the word "of," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 23, page 25, line 22, before the word "landed," to strike out "persons are" and insert "person is;" in line 24, before the word "brought," to strike out "persons" and insert "person;" in the same line, after the word

"border," to strike out "point" and insert "port;" on page 26, line 2, before the word "brought," to strike out "they were" and insert "he was;" in line 3, after the word "Chinese," to strike out "persons" and insert "person;" in line 4, after the word "comparing," to strike out "their certificates" and insert "his certificate;" and in line 5, after the word "Chinese," to strike out "persons" and insert "person;" so as to make the paragraph read:

SEC. 23. That before any Chinese person is landed from any vessel on territory of the United States, or, in case of inland immigration, before any Chinese person brought to any inland border port of the United States shall be permitted to leave the car or other conveyance in which he was brought thither, the appropriate Treasury officer shall examine such Chinese person, comparing his certificate with the lists given under succeeding provisions hereof, and also with such Chinese person; and no Chinese person shall be allowed to land or to enter in violation of law. The examination and comparisons herein required shall be made immediately after the arrival at port or border.

The amendment was agreed to.

The next amendment was, in section 24, page 26, line 13, after the word "Chinese," to strike out "passengers" and insert "passenger;" in line 22, after the word "and," to strike out "the names and other" and insert "such;" in the same line, after the word "particulars," to strike out the comma; in line 23, before the word "shown," to insert "to each as are;" and in line 24, after the word "required," to insert:

And such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

So as to make the paragraph read:

SEC. 24. That the master of any vessel arriving in the United States from any foreign port or place shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate Treasury officer of the customs district in which such vessel shall have arrived a separate list of all Chinese persons taken on board his vessel at any port or place, and all such persons on board the vessel at that time. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign Government traveling on the business of such Government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the master in the manner required by law in cases of manifests of cargo.

The amendment was agreed to.

The next amendment was, in section 24, on page 27, line 7, after the word "territory," to strike out "or possessions;" in line 9, after the word "insular," to strike out "possessions" and insert "territory;" in line 13, after the word "insular," to strike out "possession" and insert "territory;" and in line 14, after the word "insular," to strike out "possession" and insert "territory;" so as to make the paragraph read:

The foregoing requirements shall apply also to the masters of all vessels arriving in the American-mainland territory of the United States from any of the insular territory of the United States; and to masters of all vessels arriving at any point in any such insular territory from the American-mainland territory of the United States; and to the masters of all vessels arriving in the Philippine Islands, Hawaii, Porto Rico, or any other insular territory of the United States from any other insular territory of the United States.

The amendment was agreed to.

The next amendment was, in section 25, page 27, line 20, after the word "border," to strike out "point" and insert "port;" in line 22, after the word "any," to strike out "of;" in line 23, after the word "Chinese," to strike out "persons" and insert "person;" on page 28, line 6, before the word "particulars," to strike out "the names and other" and insert "such;" in the same line, before the word "shown," to insert "to each as are;" and in line 7, after the word "required," to insert "and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury;" so as to make the paragraph read:

SEC. 25. That in the case of Chinese persons brought to an inland border port of the United States, the railway conductor or other person so bringing them shall, immediately on arriving there and before enabling or permitting any such Chinese person to cross the border into territory of the United States, deliver to the appropriate Treasury officer a list of all Chinese persons so brought. Such list shall show the names of all such Chinese persons (and in the case of accredited officers of the Chinese or other foreign government traveling on the business of such government, or their servants and attendants, a note setting forth such facts), the port or place at which each was taken in charge, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the person bound to deliver it, the oath to be administered by the said Treasury officer.

The amendment was agreed to.

The next amendment was, in section 25, on page 28, line 16, after the word "section," to strike out "fifty-two" and insert "fifty-three;" and in line 21, before the word "employer," to strike out "the" and insert "his;" so as to make the paragraph read:

Any refusal or willful neglect of any such conductor or other person bound to deliver such list to comply with the provisions of this section shall be

deemed a felony and shall be punishable under section 53. Should the offender not be subject to punishment in the United States, then any rule or regulation which may be made by the Secretary of the Treasury for cases of that class shall be enforced; and as well against his employer as against himself, if his employer be a person or corporation interested in the transportation of the Chinese person as to whom the offense was committed.

The amendment was agreed to.

The next amendment was, in section 26, page 29, line 2, after the word "provisions," to strike out "designed to prevent said privilege of transit from being abused;" so as to make the paragraph read:

SEC. 26. That Chinese laborers shall continue to enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions.

The amendment was agreed to.

The next amendment was, in section 26, on page 29, line 4, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" in line 6, after the word "the," to strike out "place" and insert "port;" and in line 7, after the word "such," to strike out "place" and insert "port;" in line 19, after the word "the," to strike out "transit;" in the same line, after the word "privilege," to insert "of transit;" in line 20, after the word "from," to strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 21, after the word "seek," to strike out "transit" and insert "the;" in the same line, after the word "privilege," to insert "of transit;" in line 24, after the word "seek," to strike out "transit" and insert "the;" in the same line, after the word "privilege," to insert "of transit;" in line 25, after the word "from," to strike out "one" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" on page 30, line 1, after the word "seek," to insert "the privilege of;" in the same line, after the word "transit," to strike out "privilege;" in line 2, after the word "across," to strike out "another" and insert "other;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 9, after the word "the," to insert "privilege of;" in the same line, after the word "transit," to strike out "privilege;" in line 16, after the word "be," to insert "required;" in the same line, after the word "by," to insert "the;" in the same line, after the word "rules," to insert "and regulations prescribed by the Commissioner-General of Immigration, with the approval;" and in line 18, after the word "Treasury" to strike out "prescribed;" so as to make the paragraph read:

First. Privilege of transit shall be denied if the applicant fail to produce to the appropriate Treasury officer at the port where entry is sought a through ticket entitling said applicant to transportation from such port to the point of ultimate destination in the foreign country whither he claims to be bound, such ticket in good faith requiring transit across territory of the United States and having been fully paid for; or if he fail to produce, additionally, to the said officer a certificate as follows: (a) If the applicant come from a foreign country, the certificate shall have been issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, and shall show that after investigation said representative believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for; (b) if the applicant come from any insular territory of the United States and seek the privilege of transit across American-mainland territory of the United States, or come from American-mainland territory of the United States and seek the privilege of transit across insular territory of the United States, or come from any insular territory of the United States and seek the privilege of transit across other insular territory of the United States, then the certificate shall have been issued to him by the appropriate Treasury officer of the United States at the port or place whence said applicant departed, and shall show that after investigation said officer believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for. And it is hereby made the duty of the diplomatic and consular representatives of the United States and of the appropriate Treasury officers of the United States to investigate all applications for the said certificates, and to issue such certificates where the applications are shown to be in good faith, but not otherwise, and in such form and carrying such additional information as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 26, on page 30, line 19, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 21, after the word "suspend," to strike out "transit privilege" and insert "the privilege of transit;" in line 23, after the word "from," to strike out "and" and insert "any;" and in the same line, after the word "insular," to strike out "possession" and insert "territory;" so as to make the paragraph read:

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit in any case or in all cases where the transit is sought by laborers coming from any insular territory of the United States.

The amendment was agreed to.

The next amendment was, in section 26, on page 30, line 25, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" on page 31, line 1, after the word "refuse," to strike out "and" and insert "or;" in line 4, after the word "the," to strike out "place" and insert "port;" in the

same line, after the word "entry," to insert "for the exercise of such privilege;" in line 7, before the word "ultimate," to strike out "an" and insert "the;" in the same line, after the word "destination," to strike out "not in the United States" and insert "which is named in this certificate;" in line 8, after the word "the," to strike out "transit" and insert "said;" and in line 9, after the word "privilege," to strike out "applied for;" so as to make the paragraph read:

Second. Privilege of transit shall be denied if the applicant refuse or fail to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate Treasury officer at the port where entry for the exercise of such privilege is sought, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly and immediately to the ultimate destination which is named in his certificate, and is not seeking to abuse the said privilege.

The amendment was agreed to.

The next amendment was, in section 26, on page 31, line 10, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" in line 11, before the word "have," to insert "first;" in line 12, after the word "than," to strike out "in" and insert "for the purpose of;" and in line 13, after the word "have," to strike out "failed in that regard, the intent of this provision being to prevent user of transit privilege as an alternative" and insert "being refused such admission;" so as to make the paragraph read:

Third. Privilege of transit shall be denied if the applicant shall first have sought admission into the United States or some territory thereof otherwise than for the purpose of transit and shall have been refused such admission.

The amendment was agreed to.

The next amendment was, in section 26, on page 31, line 16, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" in line 18, after the word "Immigration," to strike out "under direction" and insert "with the approval;" and in line 21, before the word "privilege," to strike out "transit" and insert "such;" so as to make the paragraph read:

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe with a view to prevention of abuse of such privilege.

The amendment was agreed to.

The next amendment was, in section 26, on page 31, line 24, after the word "port," to strike out "or place;" in line 25, after the word "for," to insert "the privilege of;" on page 32, line 1, after the word "transit," to strike out "privilege;" in line 7, after the word "and," to strike out "whatever else" and insert "such other matter as;" and in line 9, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

Fifth. The master of any vessel, the conductor of any railway train, or the manager or director of any other conveyance, bringing to any port in the United States, or on the border thereof, any applicant for the privilege of transit shall, immediately after arrival there and before landing or permitting to land, or enabling or permitting to cross the border, as the case may be, any such applicant, deliver to the appropriate Treasury officer of the United States a separate list of all such applicants so brought, which list shall show the name of each applicant, the matter contained in the certificate he bears, and such other matter as may be required by the rules and regulations from time to time prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be sworn to by the person bound to deliver it, the oath to be administered by the said officer to whom it is delivered. Failure to comply with any of the requirements of this subdivision shall be punishable in the case of masters of vessels as in violations of section 21, and in the case of others as in violations of section 22.

The amendment was agreed to.

The next amendment was, in section 26, on page 32, line 17, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 19, after the word "ports," to strike out "or places;" in line 20, after the word "thereof," to insert "for the purpose of exercising the privilege of transit;" in line 21, after the word "be," to strike out "gained by" and insert "granted to;" in line 22, after the word "said," to strike out "transit;" on page 33, line 2, before the word "designation," to strike out "the" and insert "said;" in line 4, after the word "any," to strike out "place" and insert "port;" in line 8, after the word "Immigration," to insert "with the approval of the Secretary of the Treasury;" in line 10, after the word "such," to strike out "place" and insert "port;" in line 12, after the word "laws," to insert "and regulations;" in line 14, after the word "as," to strike out "being proposed by said Commissioner-General of Immigration;" in line 16, after the word "such," to strike out "place" and insert "port;" in line 19, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 20, after the word "such," to strike out "place" and insert "port;" and in line 21, after the word "privilege," to strike out "on concluding that" and insert "if in his judgment;" so as to make the paragraph read:

Sixth. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall designate the ports at which entry into the United States or particular territory thereof for the purpose of exercising the privilege of transit may be granted to persons entitled to exercise

said privilege; and said privilege shall be exercisable at no other ports or places. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada said designation shall be subject to this restriction: No place along either of said boundaries shall be so designated, nor shall any port along either of said boundaries be designated as a place of entry for any Chinese person whatever, whether in transit or otherwise, until there shall have been executed between the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations purposing to bring Chinese to such port contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese persons, under such money penalties as shall be set forth in said contracts; and no such port shall remain open to entry of Chinese persons, in transit or otherwise, beyond the life of such contracts in unviolated state. But the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such port to transit privilege if in his judgment such privilege is being abused there.

The amendment was agreed to.

The next amendment was, in section 27, page 34, line 4, after the word "until," to strike out "the United States shall have given;" in line 2, before the word "as," to insert "shall have been rendered;" in line 3, after the word "or," to strike out "particular" and insert "any portion of the;" in line 4, after the word "thereof," to insert "for any purpose;" in line 5, after the word "border," to strike out "point" and insert "port;" in line 6, after the word "detained," to strike out "without the territory of the United States" and insert "at such port;" in line 7, after the word "until," to strike out "the United States shall have given;" in line 8, after the word "decision," to insert "shall have been rendered;" in line 9, after the word "or," to strike out "particular" and insert "any portion of the;" in line 10, after the word "thereof," to insert "for any purpose;" in line 16, after the word "border," to strike out "point" and insert "port;" in line 19, after the word "rules," to insert "and regulations;" in the same line, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 22, after the word "entry," to strike out "transit;" in the same line, after the word "residence," to insert "and no privilege of transit;" in line 24, after the word "temporary," to insert "detention and;" in the same line, after the word "landing," to strike out "or entry" and insert "authorized;" in line 25, after the word "such," to strike out "Treasury rules" and insert "rules and regulations;" on page 35, line 2, after the word "temporary," to insert "detention and;" and in the same line, after the word "landing," to strike out "or entry;" so as to make the paragraph read:

SEC. 27. That every Chinese person brought by vessel to any port of the United States shall be detained aboard such vessel until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and every Chinese person brought to an inland border port of the United States shall be detained at such port until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and in the first class of cases the duty of such detention shall rest on the master, owner, agent, and consignee of the vessel concerned, collectively and singly, and in the second class of cases said duty shall rest on the person, persons, corporation, or agent, collectively and singly, by whom said Chinese person was transported or aided to the inland border port: *Provided*, That Chinese persons may be otherwise and elsewhere detained pending such final decisions, in accordance with such rules and regulations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe: *And provided*, That no right of entry or residence and no privilege of transit shall result to any such Chinese persons by reason of temporary detention and landing authorized under such rules and regulations, and that no release from liability or obligation under this act shall be worked by such temporary detention and landing in favor of any vessel, or the master, owner, consignee, or agent of any vessel, or any other person or corporation whatsoever.

The amendment was agreed to.

The next amendment was, on page 35, after line 5, to insert:

Every person bound under this section to detain a Chinese person who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 28, page 35, line 13, after the word "person," to strike out "not entitled to enter" and insert "finally refused admission to;" in line 15, before the word "country," to strike out "foreign;" and in line 16, after the word "after," to strike out "the United States shall have denied him the privilege of entry or transit" and insert "such refusal;" so as to make the paragraph read:

SEC. 28. That every Chinese person finally refused admission to the United States must be returned to the country of which he is a citizen or subject immediately after such refusal.

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert:

The duty of returning said Chinese person is hereby imposed on the master, owner, consignee, or agent of the vessel, and on the railway corporation, its general officers and agents, and on the owners or general officers and agents of other transportation lines or modes of conveyance, collectively and severally, bringing him to the port at which entry is denied him or aiding him thither.

The amendment was agreed to.

The next amendment was, on page 35, after line 24, to strike out:

The duty of returning him is hereby imposed on the vessel, shipmaster, shipowner, consignee, railway corporation, or other person or agent, collectively and severally, bringing him to the port or place at which entry is denied him or aiding him thither.

The amendment was agreed to.

The next amendment was, on page 36, line 5, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may elect to effect such return in some other way than as above prescribed, and at the expense of the United States, in which case the vessel, persons, or corporation that would otherwise have been bound to effect such return shall be jointly and severally liable to the United States for the costs thereof.

The amendment was agreed to.

The next amendment was, on page 36, line 12, after the word "case," to strike out "the" and insert "such," and in line 16, before the word "territory," to strike out "particular" and insert "any portion of the;" so as to make the paragraph read:

And in every case such vessel, persons, or corporation shall be jointly and severally liable to the United States for all costs connected with the inquiry concerning the right of such Chinese person to enter or pass through the United States or any portion of the territory thereof.

The amendment was agreed to.

The next amendment was, on page 36, line 17, after the word "in," to strike out "all cases" and insert "every case;" in line 18, after the word "where," to insert the letter "a;" in the same line, after the word "Chinese," to strike out "persons are" and insert "person is;" in line 19, after the word "from," strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 21, after the words "United States," to strike out "and in cases where Chinese persons are" and insert "and in every case where a Chinese person is;" in line 23, after the word "to," to strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 24, after the word "territory," to strike out "and in cases" and to insert "But in any case;" in line 25, after the word "where," to insert the letter "a;" in the same line, after the word "Chinese," to strike out "persons are" and insert "person is;" in the same line, after the word "to," to strike out "an" and insert "any;" on page 37, line 1, after the word "insular," to strike out "possession" and insert "territory;" in the same line, after the word "from," to strike out "another" and insert "other;" in line 2, after the word "insular," to strike out "possession" and to insert "territory;" and in the same line, after the word "thereof," to strike out "the return to be" and insert "he shall, when refused admission or transit, be deported;" so as to make the paragraph read:

The provisions of this section shall apply likewise in every case where a Chinese person is brought from any insular territory of the United States to the American mainland territory of the United States, and in every case where a Chinese person is brought to any insular territory of the United States from said mainland territory, but in any case where a Chinese person is brought to any insular territory of the United States from other insular territory thereof, he shall, when refused admission or transit, be deported to China.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Every person bound under this section to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not returned as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment: *Provided*, That any subordinate officer, agent, or employee of any such vessel, railway corporation, other transportation line, or other mode of conveyance, who is charged with the duty as such subordinate officer, agent, or employee of returning any Chinese person, and shall refuse or willfully neglect promptly to perform such duty, shall be subject to all the pains and penalties imposed by this section upon persons bound to return a Chinese person who refuses or willfully neglects to do so.

The amendment was agreed to.

The next amendment was, on page 37, after line 21, to strike out:

SEC. 29. That every person bound under section 27 to detain a Chinese person, or under section 28 to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

And insert:

SEC. 29. That every owner, officer, agent, or employee of any transportation line, railway corporation line, vessel, vehicle, or other mode of conveyance by sea or land, who shall aid or abet or willfully or through neglect permit or connive at the escape of any Chinese person held in detention pending final adjudication of his claims, or as provided by sections 27 and 28 of this act, shall be deemed guilty of a felony, and on conviction thereof be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 31, page 39, line 13, after the word "not," to strike out "exceeding" and insert "less than;" in line 14, after the word "or," to insert "by;" in line 15, after the word "than," to strike out "two years" and insert "six months;" and in the same line, after the word "exceeding," to strike out "ten" and insert "five;" so as to make the section read:

SEC. 31. That any person who, as principal or accessory, shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese person otherwise than as prescribed by this act, or who, pending a final decision as to the right of any Chinese person to enter or pass through territory of the United States, shall knowingly bring into or attempt to bring into or conspire to bring into territory of the United States such Chinese person, or who shall knowingly harbor or attempt to retain within or conspire to retain within the United States or any territory thereof any Chinese person unlawfully therein and subject to deportation therefrom, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not less than \$2,000, or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 32, page 40, line 2, after the words "in the," to strike out "particular" and insert "portion of the;" and in line 6, before the word "district," to strike out "the" and insert "said;" so as to make the section read:

SEC. 32. That any Chinese person found within any portion of the United States in violation of any provision of this act shall be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless upon the hearing the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be or to remain in the United States, or in the portion of the territory of the United States wherein found, it shall be the duty of said judge or commissioner to order that he be deported. It shall be the duty of the United States attorney of said district to attend the hearing, and the testimony of at least two credible witnesses other than Chinese shall be required to establish the right claimed.

The amendment was agreed to.

The next amendment was, in section 33, page 40, line 10, after the word "any," to strike out "particular" and insert "portion of the;" so as to make the section read:

SEC. 33. That if any Chinese person shall enter the United States or any portion of the territory thereof without having first obtained from the appropriate Treasury officer the required permission to enter, he shall be deported, notwithstanding that had he properly applied he would have been entitled to enter.

The amendment was agreed to.

The next amendment was, in section 34, page 40, line 17, after the word "person," to strike out "coming" and insert "who came;" so as to read:

SEC. 34. That wherever herein it is provided that a Chinese person shall be deported it is meant:

First. In the case of a person who came from a foreign country, that he shall be forthwith returned thither or to the country of which he is a subject or citizen.

The amendment was agreed to.

The next amendment was, on page 40, line 24, after the word "person," to strike out "coming" and insert "who came;" on page 41, line 1, after the words "United States," to strike out "as from the Philippine Islands to the American-mainland territory of the United States, for example;" and in line 4, after the word "to," to strike out "China" and insert "the country of which he is a citizen or subject;" so as to make the paragraph read:

Second. In the case of a person who came without right from one portion of the territory of the United States to another portion of the territory of the United States that he shall be forthwith sent to the country of which he is a citizen or subject.

The amendment was agreed to.

The next amendment was, in section 35, page 41, line 12, after the word "insular," to strike out "possession" and insert "territory;" in line 13, before the word "not," to strike out "have" and insert "has;" in line 14, after the word "and," to strike out "have" and insert "has;" in line 17, after the word "such," to strike out "possession" and insert "territory;" in line 18, before the word "marshals," to insert "attorneys and;" in line 19, after the word "such," to strike out "possession" and insert "territory;" and in line 20, after the word "territory," to strike out "But whenever the letter of the foregoing sections can apply in such insular possession, said local officers shall cease to exercise these temporarily given functions;" so as to make the section read:

SEC. 35. That in any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions herein vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions herein vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

The amendment was agreed to.

Mr. FAIRBANKS. On behalf of the committee, I offer an amendment to come in following the word "territory," in line 20, at the end of section 35.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 41, line 20, after the word "territory," insert:

In any insular territory of the United States wherein the government of civil affairs is subject to the jurisdiction of the War Department, the authority conferred upon the Secretary of the Treasury of the United States and the Commissioner-General of Immigration by this act is suspended for the period of time such territory remains subject to the jurisdiction of the War Department and a like authority conferred upon the Secretary of War, who shall do and perform for said territory the several duties and functions required of and from the Secretary of the Treasury and the Commissioner-General of Immigration by the provisions of this act.

In any insular territory of the United States wherein the government of civil affairs is subject to the jurisdiction of the War Department, the several duties, acts, and functions required by this act to be performed by the officers of the Treasury of the United States other than the Secretary of the Treasury and the Commissioner-General of Immigration shall be done and performed by the collector of customs at the port of said insular territory wherein the duty, action, or function is to be performed.

Mr. GALLINGER. In reference to this amendment I wish to inquire of the Senator from Indiana what territory we now have that is under the authority of the War Department?

Mr. PENROSE. The Philippine Islands.

Mr. FAIRBANKS. The Philippine Islands. This was addressed to the Philippine Archipelago.

Mr. LODGE. It is simply to make effective the administration of the law.

Mr. GALLINGER. I supposed that the Philippine Archipelago was being governed by a Commission appointed by the President of the United States.

Mr. FAIRBANKS. And under the civil authority.

Mr. LODGE. All their reports come through the War Department.

Mr. GALLINGER. They may make their reports through the War Department, but I am quite unwilling to admit that the War Department is governing the Philippine Islands at the present time. We gave the President authority to do that.

Mr. LODGE. That is not the statement in the amendment.

Mr. FAIRBANKS. If that is the case this would not apply.

Mr. LODGE. It could not apply.

Mr. PENROSE. It only applies temporarily.

Mr. GALLINGER. My judgment is that it does not apply and that is the reason why I asked the question, but I may be wrong.

Mr. PENROSE. Then the amendment would not be operative if it does not apply.

Mr. GALLINGER. On that theory we might put in the Ten Commandments. I do not think that is a satisfactory answer.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana on behalf of the committee.

The amendment was agreed to.

The next amendment of the Committee on Immigration was, in section 36, page 42, line 4, after the word "by," to strike out "the" and insert "a," and in line 5, after the word "attorney," to strike out "of said district;" so as to make the section read:

SEC. 36. That any Chinese person who violates any of the provisions of this act shall be deported. Accusation and hearing in such case shall be before a United States judge in the district wherein said Chinese person is found, or before a United States commissioner designated by a United States attorney.

The amendment was agreed to.

The next amendment was, in section 37, page 42, line 13, before the words "of transit," to strike out "right" and insert "privilege;" in line 18, after the word "issued," to insert "or any other person;" in line 20, after the word "rules," to insert "or regulations;" in line 22, after the word "not," to strike out "exceeding two" and insert "less than one;" and in the same line, after the word "dollars," to insert "nor more than \$5,000;" so as to make the section read:

SEC. 37. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate provided for in this act or by the Treasury rules thereunder, or who shall knowingly utter any such certificate, if forged or fraudulent, or who shall forge any such certificate; or who shall, whether an officer of the United States or not, issue to any person a certificate as to the status or right of entry, or right of residence, or privilege of transit, or right of return of any Chinese person (other than a certificate authorized by law to be by him issued), with intent to defeat any provision of this act, or any Treasury rule thereunder, or with intent to deceive the person to whom or the Chinese person for whom issued, or any other person; or who shall falsely personate any person named in any certificate authorized by this act or Treasury rules or regulations thereunder, shall be deemed guilty of a felony, and on conviction thereof shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned for a term not less than one year nor exceeding five years, or shall be both so fined and imprisoned.

The amendment was agreed to.

The next amendment was, in section 38, page 43, line 9, after the word "brought," to insert "who is bound to do so under this act;" and in line 10, after the word "port," to strike out "who is bound so to do under this act;" so as to make the section read:

SEC. 38. That the requirements and penalties imposed by this act on masters, owners, agents, and consignees of vessels shall not apply in the case of any vessel bound to a port not within the United States which shall come within the jurisdiction of the United States by reason of being in distress or because of stress of weather. But if any Chinese person brought on any such vessel shall be permitted to land in the United States in violation of law, or

if every Chinese person so brought, who is bound to do so under this act, does not depart with the vessel when it leaves port, then the penalties of this act shall be imposed on said vessel, and the master, owner, agent, and consignee thereof, jointly and severally.

The amendment was agreed to.

Mr. LODGE. I ask that section 39 with the amendments of the committee may be passed over.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the whole of section 39 may be passed over for the present. Is there objection? The Chair hears none.

The next amendment was, in section 40, page 45, line 8, after the word "admission," to insert "and becomes a laborer within the meaning of this act;" in line 10, before the word "territory," to strike out "particular;" in the same line, after the word "thereof," to strike out "as the case may be;" in line 12, before the word "in," to strike out "the same result shall follow;" and in line 14, after the word "attendant," to strike out "of that officer" and insert "he shall be deported;" so as to make the section read:

SEC. 40. That any Chinese person who, having been admitted into the United States, or from one portion thereof into another portion thereof, as a teacher, student, merchant, or traveler for curiosity or pleasure, ceases to be of the status gaining him such admission and becomes a laborer within the meaning of this act shall forfeit the privilege of remaining in the United States, or the territory thereof, and shall be deported. And in every case where a Chinese person, having gained admission by virtue of being a servant or an attendant of a Chinese officer, ceases to be such servant or attendant he shall be deported.

The amendment was agreed to.

The next amendment was, in section 41, page 45, line 16, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the section read:

SEC. 41. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce rules and regulations whereby the Treasury Department shall have a complete record of the date, place, and circumstances of birth of every Chinese person hereafter born within the jurisdiction of the United States, together with data as to parentage. And a certified copy of the record as to any person whose birth is recorded hereunder shall be admissible as evidence in all inquiries under this act.

The amendment was agreed to.

The next amendment was, in section 43, page 46, line 12, after the word "his," to insert "right to;" and in line 13, after the word "return," to strike out "privilege;" so as to make the section read:

SEC. 43. That two years after the departure from the United States of a Chinese laborer to whom has been issued a return certificate hereunder the Treasury Department shall cancel all official papers and entries concerning him: *Provided*, That he shall not within said period have exercised his right to return.

The amendment was agreed to.

The next amendment was, in section 45, page 46, line 20, before the words "of the," to strike out "under direction" and insert "with the approval;" and in line 23, after the word "act," to insert "or of any other law of the United States or of any treaty relating to Chinese persons or persons of Chinese descent;" so as to make the paragraph read:

The said Commissioner-General, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any and all rules and regulations by him deemed needful to an efficient execution of this act or of any other law of the United States or of any treaty relating to Chinese persons or persons of Chinese descent: *Provided*, That he shall make no rule or regulation inconsistent with this act.

The amendment was agreed to.

The next amendment was, on page 47, line 4, before the word "or," to strike out "is used;" in the same line, after the word "equivalent," to insert "is used;" in line 6, after the word "and," to insert "is designated;" in line 7, after the word "Immigration," to strike out "is designated" and insert "with the approval of the Secretary of the Treasury;" in line 11, after the word "Immigration," to insert "with the approval of the Secretary of the Treasury;" in line 13, after the word "designations," to strike out "in that regard;" and in line 14, after the word "act," to insert "and the duty of inspecting and investigating all immigrants under this law or under the general immigration laws of the United States shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration;" so as to make the paragraph read:

Wherever in this act the term "appropriate Treasury officer" or its equivalent is used, that officer of the United States is meant who is appointed by the Secretary of the Treasury and is designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to perform the duty or to exercise the authority mentioned. And it is hereby made the duty of the Secretary of the Treasury to make all needful appointments and of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to make all needful designations forthwith on the passage of this act; and the duty of inspecting and investigating all immigrants under this law or under the general immigration laws of the United States shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration.

The amendment was agreed to.

The next amendment was, on page 47, line 21, after the word "enter," to strike out "to pass through;" and in line 23, after the

word "thereof," to insert "or touching the privilege of transit through any part thereof;" so as to make the paragraph read:

All officers appointed or designated to enforce the provisions of this act are hereby empowered to administer oaths touching the right of any Chinese person to enter or to remain in the United States or any territory thereof, or touching the privilege of transit through any part thereof.

The amendment was agreed to.

The next amendment was, in section 46, page 48, line 1, after the word "port," to strike out "or place;" in line 2, after the words "for the," to strike out "privilege" and insert "right;" in line 5, after the word "whether," to strike out "the" and insert "such right or;" in line 10, after the words "United States," to strike out "with the proviso;" in line 11, after the word "person," to strike out "and also any United States attorney;" in line 13, after the word "decision," to strike out "to" and insert "through;" and in line 14, after the word "Immigration," to strike out "and from any decision of said Commissioner-General;" so as to make the paragraph read:

SEC. 46. That when the appropriate Treasury officer at the port of arrival of any Chinese person shall have passed upon the application of such person for the right of entry into the United States or any of the territory thereof, or for the privilege of transit through the United States or any of the territory thereof, whether such right or privilege be sought for the first time, or under a return certificate, or under claim of former residence as a merchant, or otherwise, then the decision so given shall be final and not subject to review by the judicial branch of the Government of the United States: *Provided*, That said Chinese person and also any officer of the Treasury Department of the United States, may appeal from said decision through the Commissioner-General of Immigration to the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 48, line 21, after the word "or," to insert "his claim to privilege;" in line 23, after the word "any," to strike out "possession" and insert "of the territory;" on page 49, line 4, after the word "by," to strike out "the" and insert "a;" in the same line, after the word "attorney," to strike out "of said district;" in line 5, before the words "United States," to strike out "said" and insert "the appropriate;" in line 9, after the word "cases," to insert "and if such decision is adverse to such claimant he shall be returned as provided in section 28;" in line 12, after the word "enter," to strike out "or to pass through;" in line 13, after the word "within," to insert "or his claim to the privilege of passing through;" in line 14, after the word "any," to strike out "particular" and insert "portion of the;" in line 15, after the word "on," to strike out "alleged citizenship of the United States or any particular possession thereof" and insert "any claim recognized by this act or any law of the United States;" in line 20, after the word "enter," to strike out "or to pass through;" in the same line, after the word "within," to insert "or any claim of privilege to pass through;" and in line 22, before the word "territory," to strike out "particular" and insert "portion of the;" so as to make the paragraph read:

But where the applicant for entry or transit shall base his claim of right to enter or his claim to privilege to pass through the United States or any of the territory thereof on alleged citizenship of the United States or any of the territory thereof, and upon that solely, no administrative officer of the Government of the United States shall pass upon his case, but he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and, the appropriate United States attorney attending, a judicial hearing shall be had, as on writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district, as in deportation cases. And if such decision is adverse to such claimant he shall be returned as provided by section 28. And whenever any Chinese person bases his claim of right to enter or to reside within, or his claim to the privilege of passing through, the United States, or any portion of the territory thereof, on any claim recognized by this act or any law of the United States, and such claim is under inquiry or such claim has been decided adversely to him, he can not assert alternatively another claim of right to enter or to reside within, or any claim of privilege to pass through, the United States or any portion of the territory thereof.

The amendment was agreed to.

The next amendment was, in section 48, page 50, line 6, after the word "act," to insert "or any other law or any treaty of the United States relating to Chinese persons, or persons of Chinese descent;" and in line 9, before the word "of," to strike out "Supreme Court" and insert "circuit court of appeals;" so as to make the paragraph read:

SEC. 48. That when any United States district court shall have given a decision, on appeal or otherwise, in any case under this act or any other law or any treaty of the United States relating to Chinese persons, or persons of Chinese descent, an appeal therefrom may be taken to the circuit court of appeals of the United States, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

The amendment was agreed to.

Mr. FAIRBANKS. I offer, on behalf of the committee, an amendment to be inserted at the end of line 11 on page 50.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. In section 48, page 50, at the end of line 11, it is proposed to insert:

Provided, however, That in any case which involves the consideration or construction of the Constitution of the United States, or the status of the

inhabitants of the insular territory of the United States at the time of its acquisition by the United States, an appeal may be taken direct from the United States district court to the Supreme Court.

Mr. MITCHELL. Does that amendment include a case where the construction of a United States statute is involved?

Mr. FAIRBANKS. No; the construction of constitutional questions or the status of the inhabitants of the insular territory.

Mr. MITCHELL. Did the committee consider the propriety or impropriety of providing that in cases involving the construction of United States statutes they should go to the Supreme Court of the United States?

Mr. FAIRBANKS. It did not. The committee thought that it would be sufficient that such cases should go to the circuit court of appeals, and not to the Supreme Court.

Mr. MITCHELL. What struck me at the moment was this: That if this bill becomes a law and questions are raised in regard to the constitutionality of any statute, or as to whether it is in conflict with some other statute, that question ought to be passed upon by the Supreme Court of the United States. I shall not, however, insist on pressing the matter at this time.

Mr. FAIRBANKS. It was thought by the committee that we should not burden the Supreme Court with the consideration of appeals, except in the mere particulars of the construction of the Constitution of the United States and the status of the inhabitants of the insular territory.

Mr. PATTERSON. I suggest to the Senator from Indiana that he let the amendment be printed and go over.

Mr. PENROSE. It was thought it would be much more convenient for litigants to allow them to go before the circuit court of appeals than to put them to the trouble and expense of coming all the way to Washington.

Mr. MITCHELL. I entirely agree with the provision as far as it goes. The only question with me was whether it might not be proper, in case a question arose involving a United States statute, that it should go to the Supreme Court of the United States.

Mr. FAIRBANKS. The circuit court of appeals now has jurisdiction in cases involving the construction of all United States statutes, and this does not change the law.

Mr. PATTERSON. I suggest that the amendment go over.

Mr. FAIRBANKS. I hope the Senator will not insist upon that, for, if he so desires, a separate vote may be had upon the amendment when the bill shall have been reported to the Senate.

Mr. PATTERSON. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, in section 48, on page 50, line 17, after the word "appeal," to strike out "to said Supreme Court;" so as to make the paragraph read:

But in case of appeal under this section by the United States, a certified copy of the testimony taken on the hearing before the district court shall, within ten days after said hearing, be transmitted to the Attorney-General of the United States, who may direct the appropriate district attorney to move for a dismissal of the appeal.

The amendment was agreed to.

The next amendment was, on page 50, line 18, after the word "the," to strike out "Supreme Court" and insert "circuit court of appeals;" so as to make the paragraph read:

In appeals under this section the circuit court of appeals may review all facts as well as all questions of law, and shall have power to make all necessary orders, either for discharge of the Chinese persons or for deportation thereof.

The amendment was agreed to.

The next amendment was, in section 49, page 50, line 23, after the words "to the," to strike out "Supreme Court" and insert "circuit court of appeals;" on page 51, line 2, after the words "or the," to strike out "Supreme Court" and insert "circuit court of appeals;" and in line 7, after the word "the," to strike out "Supreme Court" and insert "circuit court of appeals;" so as to make the section read:

SEC. 49. That on appeal to a district court of the United States or to the circuit court of appeals of the United States, under this act, a transcript of the record and copies of all testimony taken on the hearing before the commissioner or court whose decision is appealed from shall be transmitted to the district court or the circuit court of appeals, as the case may be; and either court may order sent to it, in addition, or in lieu, any original document or other evidence used or considered in the lower court or tribunal. But no new evidence shall be received in the circuit court of appeals, except by order of said court upon motion duly made for that purpose.

The amendment was agreed to.

Mr. FAIRBANKS. In section 49, on page 50, line 24, after the words "United States," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 49, page 50, line 24, after the words "United States," it is proposed to insert "or to the Supreme Court of the United States."

The amendment was agreed to.

Mr. FAIRBANKS. I wish to offer an amendment following the words "court of appeals," in line 3, on page 51, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "appeals," in the amendment just adopted, in section 49, page 51, line 3, it is proposed to insert "or the Supreme Court."

The amendment was agreed to.

Mr. FAIRBANKS. On behalf of the committee, I move an amendment to follow the word "appeals," in line 7, on page 51.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "appeals," in the amendment just adopted, in section 49, on page 51, line 7, it is proposed to insert "or the Supreme Court."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, in section 50, page 51, line 9, after the word "in," to strike out "cases" and insert "every case;" and in line 10, after the word "person," to insert "who is the subject of such proceedings;" so as to make the section read:

SEC. 50. That in every case of appeal under the foregoing sections the Chinese person who is the subject of such proceedings shall remain in the custody of the appropriate United States marshal pending final decision, and without bail: *Provided*, That if the appeal be prosecuted from a decision discharging him from custody, he may be admitted to bail pending decision on appeal, but in a sum not less than \$2,000. And this section shall apply likewise in every case arising under this act where a Chinese person sues out a writ of habeas corpus; and as well to the time before the first hearing on habeas corpus as to appeals from the first or any later decision in the proceeding.

The amendment was agreed to.

The next amendment was, in section 51, page 51, line 25, after the word "insular," to strike out "possession" and insert "territory;" in the same line, before the word "used," to strike out "as;" on page 52, line 1, after the word "all," to insert "island;" and in the same line, after the words "United States," to strike out "and in any way subject to the jurisdiction thereof, not in North America; and as well that which may hereafter be acquired as that which is now possessed" and insert "not forming a part of any State or of Alaska;" so as to make the section read:

SEC. 51. That the term "United States," when used in this act as a geographical designation, is meant to include all the lands and waters in any way subject to the jurisdiction of the United States, both continental and insular. And the term "insular territory" used in this act is meant to include all island territory of the United States not forming a part of any State or of Alaska.

The amendment was agreed to.

The next amendment was, in section 52, page 52, line 7, before the word "used," to strike out "as;" in line 8, before the word "persons," to insert "male and female;" in line 9, after the word "descent," to strike out "and;" and in line 10, after the word "blood," to strike out "and as well females as males;" so as to make the section read:

SEC. 52. That the term "Chinese" and the term "Chinese person," used in this act, are meant to include all male and female persons who are Chinese either by birth or descent, as well those of mixed blood as those of the full blood. And wherever herein personal pronouns are used the masculine includes the feminine.

The amendment was agreed to.

The next amendment was, in section 53, page 52, line 15, after the word "not," to strike out "exceeding" and insert "less than;" and in line 17, after the word "not," to strike out "exceeding" and insert "less than;" so as to make the section read:

SEC. 53. That any violation of any provision of this act whereof punishment is not otherwise provided shall be deemed a felony, and shall be punishable by fine not less than \$1,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 52, after line 18, to strike out section 54, as follows:

SEC. 54. That no certificate of status required to be procured from a foreign government as a condition precedent to the entry or transit of any member of a class mentioned in section 4 shall have any force, effect, or value under this act if the foreign government by which it is issued is at the date thereof imposing no restrictions on the free immigration into its dominions of Chinese persons and persons of Chinese descent.

The amendment was agreed to.

The next amendment was, at the top of page 53, line 1, to change the number of the section from 55 to 54.

The amendment was agreed to.

The next amendment was, on page 53, after line 3, to insert the following as a new section:

SEC. 55. That wherever by this act or any Treasury rule or regulation thereunder a certificate or other paper is required to be issued in duplicate or triplicate, the original shall be marked "Original," the duplicate shall be marked "Duplicate," and the triplicate shall be marked "Triplicate."

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert the following as a new section:

SEC. 56. That the provisions of this act shall not be suspended at any time, nor shall any exemption be made in order to permit the admission of Chinese persons to the United States, or any of its territory, for the purpose of participating in any fair or exposition.

Mr. COCKRELL. Let that section be passed over.

The PRESIDING OFFICER. The Senator from Missouri

asks that the section which has just been read be passed over. Is there objection? The Chair hears none, and that order will be made.

The next amendment was, on page 53, line 14, to change the number of the section from "56" to "57."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FAIRBANKS. In section 20, on page 21, I ask that the vote by which the amendment from line 11 to line 16 was adopted be reconsidered.

The PRESIDING OFFICER. Without objection it will be so ordered.

Mr. FAIRBANKS. After the word "of," in line 15, I move that the word "section" be changed to "sections," and to insert, after the word "section" the words "six, seven, and," and after the word "eight," in the same line, to insert "under which he may be entitled to admission;" so that if amended the clause will read:

But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of sections 6, 7, and 8, under which he may be entitled to admission, and provisions in pursuance thereof.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I ask that there may be a reprint made of the pending bill as it has been amended by the Senate, so that it will all be printed in roman characters, except those sections which have been passed over, which will remain with the amendments printed as now in italics.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. PETTUS. Mr. President, the Senator was specifying as to how he desires to have the bill printed; but I do not think he went far enough. The reprint ought to show the bill as it was and as it has been amended.

Mr. LODGE. The present print of the bill shows, of course, the amendments of the committee. I want to get a print which will show the bill as it has been amended by the Senate. There are some amendments which have not been agreed to, and of course those will remain in italics.

Mr. PETTUS. Ought not the amendments to be so designated as that we should be able to see what amendments have been made since that bill was reported to the Senate?

Mr. LODGE. That of course is shown by the present print of the bill.

Mr. PETTUS. Ought not that to be continued in the reprint?

Mr. LODGE. Then there is no object in reprinting the bill. We have plenty of copies of the present bill in print. There are a great many verbal amendments in this bill, and I want to get a print made showing it all in roman characters as agreed to, so that it will read smoothly, and we can see what the condition of the bill is. Of course the existing bill will show every amendment. I thought it would be more convenient to adopt the suggestion I have made, and it is a mere matter of convenience.

Mr. PETTUS. Very well; I shall make no objection.

Mr. COCKRELL. I will suggest that the order for the reprint of the bill be made special, so that we shall have it upon our tables to-morrow morning.

Mr. LODGE. Of course that will be done.

Mr. ALLISON. I should like to ask the Senator from Massachusetts or the Senator from Pennsylvania if this proposed reprint is to appear as the original text of the bill without italics?

Mr. LODGE. What I want to get is a print of the bill that will get rid of all these small verbal changes and get rid of the confusion which now exists on the face of the bill. I want to get a smooth print. It is perfectly easy, if it is desired, to put in brackets the adopted amendments, so as to show what amendments have been adopted.

Mr. GALLINGER. That is what ought to be done, because, while some of us have raised no objection to these amendments being perfunctorily adopted, we think some of them are very important, and they ought to be designated in the print of the bill.

Mr. LODGE. I think that is wise. Let the bill be printed in roman characters as it has been agreed to, with the amendments agreed to placed in brackets, and of course the passed-over sections will be printed as proposed amendments in italics, as now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. ALLISON. I think there will be some difficulty in printing within brackets the amendments agreed to. As I understand, though I have not been here very regularly during the consideration of the bill, in making amendments a great many words have been stricken out and others inserted.

Mr. FAIRBANKS. In the bill as reported to the Senate?

Mr. ALLISON. In the bill as thus far agreed to in the Senate.

Mr. FAIRBANKS. Some portions have been stricken out, but not very considerable portions.

Mr. ALLISON. I should like to see the bill in the form the committee and the Senate thus far has agreed to it, and then have the entire bill open to amendment.

Mr. LODGE. That is my precise object, to get a print of the bill in convenient form for future treatment and amendment. Now, we have the print of the bill as reported from the committee with the original amendments—

Mr. ALLISON. Has all of the bill been read?

Mr. LODGE. The bill has all been read. I thought if we could have one print that would get rid of this multiplicity of verbal amendments, which simply confuse the eye in following the bill, it would be a great advantage to have such a reprint as I have suggested.

Mr. ALLISON. I do not precisely see how we can get all of the amendments inserted in brackets, where we have stricken out one provision and inserted another.

Mr. PLATT of Connecticut. I think it would be better to print the bill now as if it were an original bill.

Mr. ALLISON. I think so.

Mr. PLATT of Connecticut. That is what I supposed was going to be done.

Mr. LODGE. That is what I wanted to have done.

Mr. PLATT of Connecticut. There was some talk about it in the Senate, and that then the whole bill should be open to amendment.

Mr. COCKRELL. That is the better way by far.

Mr. MITCHELL. The old bill shows where the amendments are.

Mr. PLATT of Connecticut. The old bill shows where the amendments are.

Mr. LODGE. That was my first proposition.

Mr. PLATT of Connecticut. I think that is the better way.

Mr. LODGE. What I thought was wanted was to have a clean print of the bill, with all the Senate amendments adopted in it, printed in roman characters, and that the passed-over sections should be printed as they stand in the bill as reported from the committee.

Mr. ALLISON. I suggest that the old bill and the new one be stitched together. Then we will have them to refer to.

Mr. LODGE. Yes.

Mr. GALLINGER. That will answer the purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts, coupled with the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. PATTERSON. What sections have been passed over?

Mr. LODGE. Section 39.

Mr. PENROSE. And 56.

Mr. LODGE. And I think 56.

Mr. COCKRELL. I ask unanimous consent to offer an amendment to the pending bill which I ask may be printed and lie on the table.

Mr. PLATT of Connecticut. Perhaps it had better be read.

Mr. COCKRELL. I have no objection to its being read. It is not very long.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation or the holder—who is a citizen of any foreign nation—of any concession or privilege from any fair or exposition, authorized by act of Congress, from bringing into the United States under contract such mechanics, artisans, agents, or other employees—natives of their respective foreign countries—as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition, in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to admission and return of such person or persons.

Mr. MITCHELL. I suggest that the amendment be printed.

Mr. COCKRELL. Yes; it is to be printed.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

GEORGE C. TILLMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4071) granting an increase of pension to George C. Tillman; which was, in line 8, before the word "dollars," to strike out "twenty-five" and insert "sixteen."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. CARMACK were appointed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 8, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, April 7, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

CHINESE EXCLUSION.

Mr. HITT. I call up the special order for this day, the Chinese-exclusion bill, and move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MOODY of Massachusetts in the chair) and resumed the consideration of the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. HITT. Mr. Chairman, when the committee rose on Saturday the general debate on the bill had been concluded, and it remained to proceed with the consideration of the bill by paragraphs. I ask that the Clerk now proceed to read the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the coming, except under the conditions hereinafter specified, of Chinese laborers from any foreign country to the United States or its possessions shall be prohibited.

Mr. HITT. Mr. Chairman, I move pro forma to amend by striking out the last word. I wish to say that after consultation between the members of the committee and the gentlemen of the California delegation, who are deeply interested in this bill, the changes that are desired by the membership from the Pacific coast and by members of the committee have been substantially agreed upon; and as we proceed with the reading of the paragraphs gentlemen having amendments to offer will present them, and we will give notice to the House where they are agreed upon, so as to abbreviate as far as possible the discussion. There is one clause, that in regard to the shipping, which we will reserve. I withdraw the formal amendment.

Mr. KLEBERG. Mr. Chairman, I renew the motion to strike out the last word. Much as I would like to vote for this bill and to exclude the objectionable Chinese from our territory, I can not see my way clear to vote for the bill so long as it contains section 2, which I will read:

SEC. 2. That from and after the passage of this act the entry into the mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be prohibited, and the prohibition shall apply to all Chinese laborers, as well those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States as to those who have come there since, and those who have been born there since, and those who may be born there hereafter. And the same prohibition shall apply to Chinese laborers coming to one of the insular possessions of the United States from any other insular possession of the United States, except from one island to another of the same group. But the privileges of transit hereinafter given to other Chinese are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

Mr. PERKINS. The gentleman will allow me to say that section 2 has not yet been read by the Clerk.

Mr. KLEBERG. I am aware of that; but I may as well state my objection now, and for that purpose I have moved a merely formal amendment. I realize that possibly there will be no record vote on this bill, and I may have no opportunity of stating my objections to this provision except right here.

I think that this clause is clearly unconstitutional. I believe that our insular possessions are a part of the United States. There can be no question of that kind as to the case of Hawaii and Porto Rico. And the Supreme Court having held in the case here cited—of *Wong Kim Ark v. The United States* (169 U. S. Reports)—that a person born of alien Chinese parentage in the State of California is a citizen of the United States, I can not see how hereafter that court can hold a Chinese born in Hawaii, in Porto Rico, or in the

Philippines since their acquisition or hereafter is not a citizen of the United States. I can not, therefore, see my way clear of voting for this bill, much as I would like to do so. I acquiesce and agree with everything that has been said as to the necessity of excluding the Chinese from our ports by a reasonable exclusion act, but we have also taken an oath to support the Constitution, and I can not in the face of the facts and the face of the decisions of the highest court of the land, and in the face of my own conscience, bring myself to support this bill, and when it comes up I shall vote no, unless this section is stricken out.

I withdraw my pro forma amendment, Mr. Chairman.

The Clerk read as follows:

SEC. 2. That from and after the passage of this act the entry into the mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be prohibited; and the prohibition shall apply to all Chinese laborers, as well those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States, as to those who have come there since, and those who have been born there since, and those who may be born there hereafter. And the same prohibition shall apply to Chinese laborers coming to one of the insular possessions of the United States from any other insular possession of the United States, except from one island to another of the same group. But the privileges of transit hereinafter given to other Chinese are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

Mr. NAPHEN. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

On page 2, line 3, after the word "since," strike out the words "and those who have been born there since, and those who may be born there hereafter."

Mr. NAPHEN. Mr. Chairman, I propose to vote for this bill, though the majority insists upon retaining this portion of it. This part is clearly unconstitutional. Mr. Chairman, I can not as a member of this House vote for any measure that will deprive any man of his constitutional rights, no matter whom he may be, or where he comes from. The question involved in this section has been decided by the Supreme Court.

I am sworn here to support the Constitution as I understand it, to support the Constitution as it has been interpreted by the Supreme Court of the United States, and this question has been decided by the Supreme Court of the United States in the case of the *United States v. Wong Kim Ark*, 169 U. S., 649. The court decided that under the fourteenth amendment of the Constitution every person born in the United States and subject to the jurisdiction thereof becomes at once a citizen of the United States. The court said "in the United States and subject to the jurisdiction thereof." The first sentence of the fourteenth amendment of the Constitution must be presumed to have been understood and intended by Congress, which proposed the amendment, and by the legislatures, which adopted it, in the same sense as the like words had been used by Chief Justice Marshall in the well-known case of the *Exchange* and as equivalent of the words "within the limits and under the jurisdiction of the United States" and the converse of the words "out of the jurisdiction of the United States." It has been urged that the fourteenth amendment was not intended to confer rights of citizenship upon the children of Chinese parents. An examination of the debate in the Senate and House when the fourteenth amendment was under consideration proves that it was understood that children born of Chinese parents in the United States would come under the terms of the amendment.

Mr. Chairman, it has been decided in the recent case of *De Lins v. Bidwell* (182 United States, 1) that our insular possessions are domestic territory. They are as much our territory—our domestic territory—as our inland Territories are. The question then comes as to what right we have to deprive persons who have been born there since our acquisition of those possessions of their constitutional rights. It may be said that we have a right to define their civil and their political status; but that referred to those who resided in the possessions at the time of the acquisition. It could not refer to those who were born there since or who will be born there hereafter.

The Constitution takes care of their rights. Though we may suspend their political rights and define what their civil status may be, we can not take away their natural right to go to any part of the United States. They have the freedom of the Republic. This personal right is secured to them by the principles of constitutional liberty. Therefore I say, Mr. Chairman, that it is clearly unconstitutional to deprive those people of those rights, and I hope the majority will consent to have that part of section 2 of the bill stricken out.

Mr. HITT. Mr. Chairman, I will only say that the points that the gentleman makes, which are in my view to a considerable extent well taken, are answered by the gentleman from Missouri, who made the points and then swallowed them. This is the way to get the case to the Supreme Court.

Mr. PERKINS. Mr. Chairman, the amendment offered by the

gentleman from Massachusetts is based upon the principle for which he contends, that the Philippine Islands are to such an extent a portion of the United States that persons thereafter born become necessarily of the United States, and as such entitled to the rights held by those who were born in this country.

Mr. NAPHEN. Will the gentleman explain what he means by our "insular possessions"—what it includes?

Mr. PERKINS. I should say it included the Philippine Islands, Porto Rico, and Hawaii.

Mr. NAPHEN. Very well; then this prohibition applies to those three possessions, and we have already legislated for Porto Rico, and we have reserved the right to have all laws enacted by the legislature of Porto Rico "reported to the Congress of the United States, which has power and authority, if deemed advisable, to annul the same." The people born within those possessions we say they are not citizens of the United States; that their "personal rights are unprotected by the provisions of the Constitution," and "that they are subject to the arbitrary control of Congress." This is repugnant to justice and common sense.

Mr. PERKINS. If the gentleman is right in saying that Porto Rico and Hawaii will not be held by the Supreme Court to be included within the term "insular possessions," then of course this law does not apply to them. Certainly it applies to the Philippine Islands. I trust that the day will never come when the Supreme Court will decide that the Philippine Islands are so much portions of this country that every man there residing or to be born there hereafter will be entitled to the rights held by the citizens of this land. Certainly, Mr. Chairman, the Congress of the United States, I am confident, does not wish to anticipate any such decision. The result of the amendment offered by the gentleman from Massachusetts would be that by this act, as a necessary result, every man born in the Philippine Islands, every Chinese, every Filipino, would be entitled to all the rights held by a citizen of Massachusetts or a citizen of New York or of any other State. Certainly, Mr. Chairman, I feel sure it can not be the desire of this committee or of this Congress that by act of Congress, in anticipation of a decision which I believe will never be made, such a construction should be put upon the situation of those islands.

Mr. LACEY. Mr. Chairman, when the Porto Rico bill was before the House, one of the strongest of the reasons for passing that was to make a test case as to the rights of Congress to legislate law in regard to those possessions that have fallen to us as a part of the fruit of the Spanish war. If by annexing the Philippine Islands we simply remove the barrier we had drawn against Chinese immigration 9,000 miles farther west so as to include the Philippine Islands and make them the ports from which the Chinese emigration could start to the United States of America, the damage to this country would be incalculable. It becomes necessary to draw a line in the very start, and the result of the enactment of the Porto Rican law was that we obtained at least in part an authoritative construction by the Supreme Court of the United States as to our power in this possession. I believe the legitimate and logical result of the Porto Rican decision is that the Congress has the power that it is now proposed to exercise in section 2. We should not permit those islands to become merely the means of peopling this country with the Mongolian race.

Mr. KLEBERG. Does the gentleman think that the island of Hawaii is a part of the United States, by virtue of the resolution which admitted it?

Mr. LACEY. So far as the islands of Hawaii are concerned, the number of Chinese there is comparatively small. It is not an unknown quantity.

Mr. HITT. That resolution excluded them.

Mr. LACEY. And the resolution in terms excluded them; but in the Philippine Islands, adjacent as they are to the shores of China, they would become points from which the Chinese could be smuggled into this country almost without limit.

Mr. ROBINSON of Indiana. I would like to state that the gentleman from Iowa [Mr. LACEY] is clearly incorrect in saying that the number of Chinese is infinitesimally or comparatively small. There are about 10,000 white people in the Hawaiian Islands, 26,000 Chinese, and 61,000 Japanese, who are equally a menace to American labor, and this is out of a total population in the islands of Hawaii of 154,000.

Mr. LACEY. Very well, then; I will amend my statement and say that the entire population, Chinese, white, and everything else in Hawaii, is infinitesimally small, hardly worthy of consideration in connection with a proposition of this kind, for if every man, woman, and child in the Hawaiian Islands should get up to-morrow and move into the United States of America, we could put them in one small city and hardly notice them; but the problem as to the Philippines is a great one—and it is a point of wisdom in the very outset of this bill to meet that question and

to meet it squarely, as has been done by the committee in this report.

Now, Mr. Chairman, as to the general law, my impression would have been that, in view of the fact that almost every line and sentence of the existing statutes have been construed by the courts of the country, it would have been wiser to have reenacted those laws, with such amendments as would apply to the situation, growing out of our recent acquisitions from the Spanish war; but the committee in their wisdom have gone over this question and I am prepared to yield my judgment to theirs as to the necessity of enacting an entirely new law in place of reenacting the old ones. At first thought it would have seemed to me perfectly plain that laws that have been construed, however imperfect they may be, are safer than laws which have yet to be construed, and we know the force of the opposition that every feature of this bill will meet in the courts, and it might have been safer not to reopen the question along the old lines, as we will of necessity do when we enact an entirely new law.

I know when we framed the Alaskan code we left out many matters of the utmost importance; I know when we framed a code for the District of Columbia we made inadequate provision for the grand jury, and the courts of the District of Columbia, after the laws had been passed, found themselves in a state of chaos; and we run that same danger as to this law. I shall vote, however, for the bill, in the hope that this committee have carefully endeavored, and I hope succeeded, in avoiding all of those various difficulties.

The propriety of Chinese exclusion can not be regarded as subject to much question at this time. The various laws relating to the subject have been upon the statute books for many years, and the amendments made have always been in the direction of greater stringency.

The Geary Act will expire in a few weeks, and it is important that prompt action should be taken so that we may not have even a short period in which the bars may remain down. The laws now in force, with the various amendments made from time to time, appear to have operated to accomplish the desired result. Chinese immigration had been practically suppressed, and under the Census of 1900, there are only 93,280 Chinese in the United States, exclusive of Hawaii, as against 105,465 in 1880 and 107,475 in 1890. In Hawaii there are 25,767, who were there when we annexed those islands.

The law having been found effective as it now exists, the most natural and easy course, as I have said, would have been to extend these laws for another term or indefinitely. To enact an entirely new statute, however stringent and drastic, may again reopen all disputed questions to new construction by the courts, and the Chinese companies in the past have shown how determined they are to contest every inch of the ground.

I feel some apprehension that, while attempting to close the controversy, we may in fact reopen it and leave some unexpected loophole for further controversy.

This, however, is a question not of ultimate ends to be accomplished, but of the means by which they may be attained.

Confronted as we are with the danger of renewing active immigration from the most populous country on the globe, we may well apprehend the danger of a radical change in our population if we take no steps to stay the flood. Our country is the most desirable in the world in climate, soil, and natural advantages. It will be fully populated and in time contain as many inhabitants as it can well support.

The Damascus steel was the product of a combination of the various mines, but all the ore in the combination was the best of metal.

So the mingling of the blood of the different nations of the same race from Europe has produced and is producing a new people in our country.

The European nations furnish an ample supply from which to people this continent, and it is for us to choose whether the future progress of this young nation shall be clouded by adding the perils of a new Asiatic invasion.

Four hundred million Mongolians are within less than two weeks' distance from our Pacific shores, and the low price of transportation and high rate of wages in this country would induce an overwhelming tide of cool labor, which would reverse the course of our progress toward the general improvement of industrial conditions in the United States.

Our country is still in a great measure unoccupied and we are in a position to choose its future inhabitants. We declared some years ago that the Mongolian race was not a desirable addition to our population, and, with the world to choose from, we should select the best instead of the least desirable of the world's races.

We have racial problems enough without increasing their complexity.

In peopling this Republic labor is a prime necessity. But it is of the first importance that our working people should not only be citizens by birth or adoption, but worthy in all respects to

exercise the duties as well as to enjoy the privileges of such citizenship.

A country whose natural attractions annually draw a half a million of immigrants may well select its adopted children and carefully choose only those who will in the next generation be Americans in the full sense of the word.

Near my home in Iowa is a colony of sturdy Hollanders from the shores of the North Sea. They are of that rugged stock who were the admiration of the world in their struggle for independence against the Spanish rule in the sixteenth century.

Fifty years ago that little colony at Pella bought its land, and so exclusive were they that the only two American-born settlers living in the township were bought out regardless of expense, so that none but those of Holland blood should occupy the land.

I visited that town two years ago at the reunion of a regiment partly recruited there, and 600 little school children, all carrying American flags, came out, singing, to meet us, and they were all American born and speaking what they fondly insist upon calling the "American language." They were as thoroughly American as if their ancestors had landed at Plymouth Rock or at Jamestown.

With stock of this sort you can not keep the Americans out, for in one generation, from being all foreigners, they become all Americans.

From nations like these we can draw our immigrants freely and safely. Their descendants are to the manor born.

When Prince Henry was with us I think the best thing attributed to him was his saying that he did not know any such thing as a "German-American." Americans were Americans to him, whether by birth or adoption. It has been to the honor of the German, the English, the Scotch, the Welsh, the Scandinavian, the Irish, and many other nationalities of Europe that, on arrival in America, they at once have set about the acquisition in the fullest and completest term the rights of American citizenship. The people who assimilate with us and who, in the next generation, are welded into the common mass of the great composite American race have always been and will ever be a welcome addition to our progressive country.

But the Mongolian comes to America for no such purpose, and could not adapt himself to our institutions if he were to try—and he has never tried. He comes as a bachelor, houseless and homeless. No family ties grow up around him to attach him to the soil. When he acquires enough to live upon in China he eagerly returns to his native land in that ancient civilization which was old when Moses led the children of Israel out of Egypt. Should the Chinaman die in America his bones are not permitted to fertilize our soil, but are carefully carried back to the home of his forefathers. When he is among us he is not of us. No man should eat anything that he can not digest. No immigrants should be taken into the body politic who can not be assimilated.

So by common consent, and regardless of party politics, we to-day are discussing the most effective method of preserving America for the Americans by admitting into our country only those who may be fitted to become an integral part of the citizenship of the American people. To continue our past policy in this regard is necessary for self-preservation. Enacting a protective law upon this question is a statutory recognition of the law of nature.

Mr. ROBINSON of Indiana. Mr. Chairman, it is interesting and gratifying to note that the Republican party, which was responsible for the annexation of Hawaii, and which is responsible for the present conditions in the Philippine Islands, even at this late day, are now engaged with us in an effort to protect labor against the scourge of the Asiatics. They sowed the winds, they will reap the whirlwinds.

In the Hawaiian Islands to-day, out of 154,000 population, there are only about 10,000 whites. Among the population there are 26,000 Chinese and 61,000 Japanese, who are an equal menace to American labor with the Chinese in the islands. The American Chamber of Commerce, of Manila, in the Philippine Islands, is petitioning members of Congress, is petitioning the President, to permit the admission of Chinese, and say in their petition that it is absolutely necessary in order to secure the promotion and advancement of the interests of the Philippines.

The petition sent us reads:

The American Chamber of Commerce, of Manila. An appeal to Congress for the enactment of laws allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

To the Congress of the United States of America:

The American Chamber of Commerce, of Manila, P. I., respectfully represent to your honorable body that by authority and under instruction of resolution adopted at a full meeting of this chamber, held on the 3d day of January this chamber does petition and earnestly request the enactment of laws by Congress allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

The present restrictive law does not benefit the Filipinos, nor is it of ben-

efit to anyone. This labor will not enter into competition with American labor, and its entry into the Philippine Islands is imperatively needed.

Tobacco, hemp, and sugar plantations are only partially cultivated by reason of insufficiency of manual laborers. There are at present people in the city of Manila who came here for the purpose of investing in plantations, and to cultivate them upon lines in advance of the primitive ideas now in vogue. Investors are compelled to either leave these islands or await such time as laborers can be secured. This being the situation at present, without this legislation the Philippine Islands can not be properly developed.

Building in the city of Manila has been retarded for months, and only since the quarantine has been raised and those Chinese entitled to land have returned to these islands has building actively revived.

For the development of these islands, the urgent necessity for the immediate enactment of such laws can not be placed too strongly before Congress. For which relief this chamber, composed of American citizens, representing the commercial interests of the Philippines, does most respectfully pray.

F. E. GREEN, President.

ROGER AP C. JONES, Secretary.

The Hawaiian sugar planters are saying that white labor can not work in the Hawaiian Islands, and that the rice industry and other industries will be injured, if not entirely destroyed, unless Chinese labor is admitted to the islands. This opinion was rather forecast by the distinguished Commission that visited the islands before the organic law was passed.

This petition comes to us from Hawaii:

To the Senate and House of Representatives
of the United States of America, greeting:

We, the undersigned citizens of the United States, do hereby represent—First. That the present and future prosperity of this nation depends in a great measure on the maintenance of the present high standard of living of its inhabitants.

Second. That this standard can not be maintained if the sphere of the American mechanic is invaded by the hordes of Asia, whose mode of life enables them to live comfortably on a sum which to an American would be a mere pittance.

Third. That at present fully 75 per cent of all the labor of the Hawaiian Islands, both skilled and unskilled, is being performed entirely by Orientals.

Fourth. That practically all the labor, both skilled and unskilled, which has been performed on buildings and grounds in this Territory for the Federal Government has been and is still being performed entirely by Japanese and Chinese, to the entire exclusion of competent American mechanics, who, by reason of these conditions, are at present forced into almost complete idleness.

Fifth. That the population of the Hawaiian Territory is 150,000, of whom the Chinese and Japanese number nearly 87,000, the Americans about 5,000, and the natives 37,000.

Sixth. That by rigidly excluding all Orientals from this Territory and from the United States conditions would soon become such that American citizens would be enabled to earn a living for themselves and families, which they are now practically unable to do on account of the deplorable and entirely un-American conditions now existing here.

Seventh. That, for the reasons above set forth, your petitioners earnestly ask that suitable legislation be framed the results of which would be—

First. The complete exclusion of both Japanese and Chinese or their descendants from American territory.

Second. The requirement that all labor of every description whatsoever which is performed for the Federal Government shall be done by, and only by, citizens of the United States.

And your petitioners will ever pray.

The Manila Critic editorially appeals to Congress in an article headed "Cooly labor necessary," saying that it is necessary for the exploitation of this noncontinental part of the country—that the Republicans admitted within our domains—that it is absolutely necessary to have cooly labor to exploit all the enterprises there. This is what it says in its issue of March 3, 1902:

The Chinese-exclusion bill which the Pacific coast representatives have agreed to support is a direct menace to the very best interests of the Philippine Islands, and if it should pass would render well-nigh impossible the exploitation of these islands by the Americans, and would cause an irretrievable loss of much capital now in the archipelago. The bill denies the right of entry to the Chinese not only into the mainland ports of the United States but also into any of the insular possessions, including the Philippines.

The cumulative evidence of many years proves that the native labor here is not to be depended upon. If the business of the archipelago be developed as it can be and ought to be, the services of the Chino are absolutely necessary. It is to be hoped that the memorial of the American Chamber of Commerce and the recommendation of the Commission will raise up some friends for the Philippines in Congress. It is late to contemplate the idea, probably, but an authorized delegation of business men in Washington would be very valuable just now.

And again in like manner and in the same issue it says:

THE SLOPE AND THE CHINOS.

At a meeting of the Senators and Representatives of the Pacific slope held in Washington the following paragraph was adopted, to be made a part of the Chinese-exclusion bill now pending in Congress:

"That from and after the passage of this act the entry into the American mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be absolutely prohibited, and the prohibition shall apply to all Chinese laborers, as well as to such as were in insular possessions at the time or times of acquisition thereof respectively by the United States, or to those who have come there since and those who have been born there since, and those who may come there hereafter and those who may hereafter be born there."

It will be noticed that the paragraph contains nothing that will prevent the importation of cooly contract labor in the archipelago, and Congress will doubtless be governed by the recommendations of the Commission in that regard; therefore the recent communications to the American Chamber of Commerce becomes of additional importance.

This Manila newspaper was sent to the members of Congress, evidently with the intention of giving us the real conditions in reference to labor that prevails there.

It is clear that an article signed "Observer," which bears the

earmarks of one having authority and knowing whereof he speaks, in the same issue had a like purpose. It reads:

COOLY LABOR NECESSARY.

With the several requests already made on the Philippines for a labor supply for other countries, the question as to what this country will do for a stable and assured labor in the future is brought very distinctly to mind. Regarding the new territory of the United States, Hawaii, it must be borne in mind that the country now asking for labor is practically without a labor supply of its own, and is dependent on other lands for men to till its fields and carry on the necessary work of its different business and plantations.

The conditions are quite similar in many ways to the state of affairs here, notwithstanding the fact that in these islands there is an ample supply of men perfectly able physically to work, but apparently without the disposition to exert themselves any more or for a longer time than is necessary to accumulate a few pesos for food, fiesta, or cockfight. In the one instance the money investor and producer is unable to secure a home labor for the reason that it is very limited and not nearly sufficient for the needs, and in the other case, while the supply is ample the quality does not seem, from general appearance and experience, to be trustworthy enough to be depended on in time of real necessity.

In all agricultural pursuits there are certain seasons of the year in which the entire success of the twelve months' work and expense is dependent on the time in which harvesting must be accomplished, else the complete loss of the crop will follow. Especially at this time is it required that the employer should be assured of such labor as can be depended on for the work in hand, and in order to do this he is necessarily compelled to keep a greater number of men under pay through part of the year, in which he derives little benefit from their names on his pay roll.

Now, with ignorant labor under the control of a gang or labor boss, and subject to his will and dictation, the boss will possess absolute control of the plantation owner's interest and be able to dictate the price of his men at the time when it is absolutely required that the employer shall have men or suffer the loss of his entire investment for the year. If large capital is expected to seek this country as a field for investment in tropical agricultural pursuits, it must be borne in mind that the success of a plantation is dependent on labor for its welfare, and until this matter is settled beyond a reasonable doubt capital will not be overanxious to locate in a place where it is not assured of a reasonable amount of protection by the law.

Ignorant labor can not be controlled by honeyed phrases or fair treatment at all times. The cooly class is not gifted with any unusual amount of judgment in matters beyond the present, and if left to its own way in work which would be better done at once in place of the future, no place dependent on it would ever see a successful year. The only way of settling the question for the general welfare of the country in general would seem to be the enactment of a just and fair contract law, under which the laborer would be given every protection of the laws of the country, yet at the same time would be bound in such a way that he could be compelled to work in times of necessity, provided of course that his health and general condition were not affected.

This country is naturally an agricultural country, and its wealth in that line is equal, at least, to any other country in the world. Its development depends entirely on the question of labor, and it is not a question to be passed over without the most serious of thought and consideration.

OBSERVER.

It is gratifying, Mr. Chairman, to find, even after this one step of misfortune, that the Republican party are closing the door after the steed is stolen, and are seeking to avoid the evils of their former action, and are trying under the whip and spur of the minority to protect the great American laboring interests from the scourge of the Chinese. But with all these islands admitted, with the coasts that need defense and patrol to keep them out, with the cupidity of the navigation corporations that have brought so many to our shores, how are you going to defend American labor in Hawaii, in the Philippine Islands, in Porto Rico, or in the Danish West Indies when you admit such territories as these into the domain of the United States?

Rapid transit on land and sea, the swiftness and ease of telegraphic and other communication, and the facilities for combinations of enterprises have of themselves produced in recent years an evolution, if not a revolution, in labor. Economic changes that come as the result of improvement in human agencies and affairs, and are not the outgrowth of selfishness, should be heralded as benefactions; and though they affect in a measure established conditions, ultimately they will show results of universal good. It is not to such changes that I shall address myself, but to the process now going on which seems to be bringing the labor of different classes and different climes to a common level.

If any benefit arises to American labor from the acquisition of the insular possession, it must be in profit from labor performed on American soil outside of the islands acquired. The distance of the islands, the climate, and the labor conditions bring no hope for the profitable employment of American labor either in Hawaii, in Porto Rico, or in the Philippine Islands.

The Hawaiian Islands, lying 2,100 miles southwest of San Francisco, were the first acquisition under the recent policy of expansion. They were annexed by a resolution of Congress passed July 7, 1898. The area of the eight islands of the group is 6,740 square miles, equaling in extent the State of New Jersey, one fifth the area of Indiana. Although these islands had treaty relations with the United States from the year 1826 and with England and France from almost the same period and frequent communication with these and other European countries, yet at the time of annexation in 1898, out of a total population of 110,000, we find the following distribution in races and countries: Americans, 3,086; British, 2,250; Germans, 1,432, and French, 101. At that time there were 21,600 Chinese, 24,400 Japanese, 15,200 Portuguese,

and 39,500 native Hawaiians and mixed Hawaiians. Of the total population two-thirds were males.

The principal industries of the islands in the order of their importance are sugar, rice, and coffee, the latter but slightly developed. The Chinese and the Japanese work in the sugar mills and on the plantations. Americans and Europeans can not work in the marshy land required for the cultivation of rice, and as the Japanese decline to do so, this work is performed almost entirely by the Chinese.

After the islands were annexed in 1898 something like 40,000 Japanese laborers were brought in under a labor contract similar in terms to that under which nearly all the Chinese and Japanese theretofore had been bound. The obligation of these contracts was dissolved by the act of Congress providing a government for Hawaii, passed April 13, 1900; but the laborers remain and work at wages ranging from \$15 to \$17 a month and furnish their own board and clothes.

The resolution of annexation provided that a commission of five should investigate and report legislation deemed necessary and proper. In its report on the labor conditions we find this statement: "The question whether white labor can be profitably utilized in the sugar plantations is yet a problem." This report was made by Senator CULLOM as chairman of the commission. With these labor conditions prevailing, and with the large proportion of cheap oriental laborers already there, the problem of labor seems to be solved in favor of the oriental elements of the population.

The Japanese show an adaptability and quickness, an alertness and ambition that are menacing labor, not only in Hawaii, but in the States along the Pacific coast as well. By the annexation resolution it was provided that nothing therein contained should be construed to permit the Chinese in the islands to enter the United States, and by the subsequent organic law for the government of the islands they were expressly prohibited from doing so.

As the islands were annexed without any restrictions in the act, like those imposed on Porto Rico, it is doubtful whether the Chinese in Hawaii can be excluded from the United States. Be that as it may with reference to the Chinese already there, yet there is a real menace to American labor in the Japanese immigration to the United States.

The Chinese are prohibited from coming to our country by the Chinese-exclusion act; but, stringent as the act is, they hover along the northwestern and northeastern boundaries and break across; and in this way and through Mexico thousands come into the United States every year. This system, encouraged by navigation and transportation companies engaged in the traffic and in collusion with agents, greatly harasses the United States authorities, who so far have been unable successfully to cope with it.

Japan, with its 40,000,000 of population, is a greater menace to this country than is China with her 400,000,000. This is due to the difference in the characteristics of the people.

The Chinese are conservative and religiously attached to their country, and always expect to return to it. The Japanese are bold, adept, and alert, and when they secure a favorable location they hope always to remain. The Japanese are quick to learn and adapt themselves to surroundings with great facility.

The Commissioner-General of Immigration in his last report referred to the increase of Japanese immigration and expressed the opinion that unless checked it would produce serious trouble where aliens are used as cheap laborers to take the place of American workmen.

It may be inquired why legislation similar to the Chinese-exclusion act is not enacted against the Japanese. In some sense at least the answer can be traced to the policy of expansion. We have in the Japanese treaty of 1894 a saving clause which reserves to the United States a right to legislate as it will with reference to the immigration of laborers from Japan; but in the late Chinese troubles the favors shown by Japan in quickly responding with troops, and the aid she gave to the allies, gives her a prestige that seems to cause our Government to hesitate in taking any drastic measures against Japanese immigration. It should be restricted by a law similar to the Chinese-exclusion act.

The difficulties now encountered in the enactment of laws and their enforcement will only be augmented by the increase of interests in the opposite direction, by the increase of lines and borders to be guarded, and by the acquisition of islands which must perforce furnish bases from which cheap labor can more readily enter into the United States.

The observations I have suggested on the exclusion from profitable employment of the American in the Hawaiian Islands obtain also with reference to the Philippines, where he must come into competition with the Chinese, the Japanese, and the Filipinos. The Filipino has many of the characteristics of the Japanese, and if the same free ingress to this country is accorded them as is given to the Japanese the like evil will result. The conditions in Porto Rico with reference to labor are not dissimilar to those prevailing

in the two other insular possessions, save that there are no Chinese and Japanese; and the native Porto Ricans are not a class with which Americans can compete in price of wage.

In addition to this comparison of the Philippines with Hawaii, we find in the report of the Philippine Commission, under the head of public health, a condition, climatic and otherwise, that would make it impossible for American labor to find a field for occupation. It says:

There is a custom prevailing in Manila of keeping within doors from 12 to 3, which is universally commended. It is doubtful whether the white race could work in the sun.

It is clear from the facts and conditions I have mentioned that American laborers have not profited in expansion by securing a field for their labor outside of their own country, nor are they secure against the influx into the United States of those against whom they can not compete abroad.

It is well known, also, and recognized that American labor is not, and will not be, preferred in manning vessels on the sea, if profit alone is looked to; for the American can not work for the wages on board ship that people of many foreign countries are willing to take.

Therefore the conclusion must be drawn that the American laboring man must expect to profit, under the present policy of expansion, from labor performed in this country, and not from that in fields to which he might go. It is equally clear that he must be protected against the incoming flood of labor, cheaper than his own, or he will suffer.

Mr. Chairman, the pathway for the Republican party and for its representatives in this House—knowing, as they do, of these evils; knowing that these evils are here—is to face the problem and stand against the labor conditions in the Philippine Islands and in the insular possessions—stand against the Chinese and Japanese and the cheap labor scourge in the Philippine Islands—by declaring upon this floor and in this Congress that it is the purpose of the United States to establish a stable form of government in the Philippines, and then let that government and its people take care of the million or two millions of Chinese and Japanese there themselves. The Democracy in Congress in the meantime is performing its duty and promoting the cause of the laboring man of this country, who will hold the party in power responsible for the condition that exists to-day as to the Chinese and the Japanese in our insular possessions.

It is a cause of congratulation that the Democratic minority of this House has presented a substitute for the bill recommended by the Republican majority of the committee.

The gentleman from Missouri [Mr. CLARK] has rendered his party and his country a signal and valuable service in presenting for the Democratic minority its substitute, and in so vigorously presenting the principles embodied in it, and such as should inspire every American.

With the courtesy of the House, I present with my remarks the substitute bill of the minority of the Committee on Foreign Affairs and the report of the gentleman from Missouri [Mr. CLARK] thereon. It reads:

APPENDIX.

The question of Chinese exclusion is largely a racial question and largely a labor question.

Because our Pacific coast is the chief place of entrance of Chinese into our country, because a vast majority of Chinese immigrants settle on the Pacific coast, and because American citizens resident on the Pacific coast have had more experience with Chinese than the rest of our people, they understand the Chinese character better and are better fitted to know what legislation is necessary to solve the numerous and difficult problems connected with Chinese immigration.

The substitute proposed is substantially the bill desired by our Pacific coast citizens and by the laborers of the whole country.

The substitute is identical with Senate bill 2960, as reported to the Senate unanimously by the Committee on Immigration, except section 56 of said Senate bill, for which the minority recommended the following:

"Sec. 56. That nothing in the provisions of this act shall be construed to prevent the admission of Chinese into the United States for the purpose of participating in any fair or exposition authorized by act of Congress: *Provided*, That such admission be in accordance with rules and regulations of the Commissioner-General of Immigration, prescribed with the approval of the Secretary of the Treasury."

The minority entertain some doubt as to the constitutionality of the following words of section 2 of the substitute: "And it shall also apply to those who have been born there since and to those who may be born there hereafter;" but because it is claimed that under the treaty of Paris Congress is charged with the duty of fixing the status of the people of the Philippine Islands, because our citizens of our Pacific coast and the laborers of the land are insistent on retaining the aforesaid words in the bill, and because their retention in the bill will compel a speedy judicial determination of the questions involved, the minority recommend that they be retained in the bill.

For the foregoing reasons the minority report the substitute and recommend that it be enacted into law.

Substitute for H. R. 19031.

A bill to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Be it enacted, etc., That from and after the passage of this act the coming, except under the conditions hereinafter specified, of Chinese laborers from any foreign country to the United States, its Territories, or any territory under its jurisdiction, shall be absolutely prohibited.

SEC. 2. That from and after the passage of this act the entry into the American-mainland territory of the United States of Chinese laborers coming from any of the insular territory of the United States shall be absolutely prohibited; and this prohibition shall apply to all Chinese laborers, as well to those who were in such insular territory when the same was acquired by the United States as to those who have come there since, and it shall also apply to those who have been born there since and to those who may be born there hereafter. And the same prohibition of entry shall apply to Chinese laborers coming to one island of the United States from any other insular territory of the United States, except territory of a group whereof such island is a member. But the privileges of transit hereinafter given to other Chinese persons are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

SEC. 3. That the term "laborer," used in this act, shall be construed to mean both skilled and unskilled manual laborers, Chinese persons employed in mining, fishing, huckstering, peddling, or laundry work, and those engaged in taking, drying, or otherwise preserving shellfish or other fish for home consumption or exportation; and every Chinese person shall be deemed a laborer, within the meaning of this act, who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure, as hereinafter defined.

SEC. 4. That from and after the passage of this act the privilege of Chinese persons other than laborers to enter or remain in the United States shall be restricted to officials, teachers, students, merchants, and travelers for curiosity or pleasure, as hereinafter defined.

SEC. 5. That the term "official," used in the foregoing section, shall be construed to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be similarly privileged to enter, on being identified as such attendants or servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 6. That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

SEC. 8. That the term "merchant," used in this act, shall be construed to mean only one who is engaged in buying and selling merchandise, at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

And where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States or any portion of the territory thereof, a business strictly within the meaning given by this act to the business of a "merchant."

And where an application is made by a Chinese person for entry into the United States as one formerly engaged in the United States as a merchant, he shall, unless he produce the return certificate hereinafter provided for, establish to the satisfaction of the appropriate Treasury officer, by the testimony of two credible witnesses other than Chinese, that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during said year he was not engaged in the performance of any manual labor except such as was necessary in the conduct of his business as such merchant; and in default of such proof it shall be held that he is not a merchant within the meaning of this act.

SEC. 9. That the term "traveler" used in this act shall be construed to mean only one who shall establish to the satisfaction of the appropriate Treasury officer that he is in present possession of adequate funds for paying the costs of the intended travel within the territory of the United States and that his purpose in seeking entry is in good faith solely to travel for pleasure or curiosity, and who intends to depart from the territory into which he is permitted to pass promptly on the conclusion of his itinerary.

SEC. 10. That the prohibition of section one shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts therein of like amount due him and pending settlement. This exception is subject to the following provisions:

First. A "registered Chinese laborer" is: (a) One who, being lawfully a resident of Hawaii or the American-mainland territory of the United States at the time of the passage of this act, is the rightful holder of a certificate of residence issued to him under the acts of Congress in effect at the time of the passage of this act affecting exclusion of Chinese persons from the United States, such certificate being valid and operative at the time of the passage of this act. And every such certificate of residence valid and operative at the time of the passage of this act is hereby continued valid and operative, but in accordance with the provisions of this act. (b) One who, being lawfully a resident of any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, rightfully obtains and retains a certificate of residence therein under subsequent provisions of this act.

Second. The marriage to the wife referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return, and must have been followed by continuous cohabitation of the parties as husband and wife. And it must appear that the applicant had no other wife (under Chinese or other laws or customs) living at the time of such marriage.

Third. If the right to return be claimed on the ground of property or debts, it must appear: (a) In the case of property, that the ownership is of property other than money and is in good faith; that the requisite minimum value is over all incumbrances, liens, and offsets, and that the title was not colorably acquired for the purpose of evading this act. (b) In the case of

debts, that the debtor is solvent; that the amount due is not less than the required sum, clear of offsets and discounts; that the debts do not consist of promissory notes or similar acknowledgments of ascertained or settled liability, and that the indebtedness was not created with a view to evasion of this act.

Fourth. It must appear, where family, property, or debt qualifications are relied on, that the applicant possesses them at the time of return to the United States as well as at the time of departure therefrom.

SEC. 11. That a Chinese laborer claiming the right to return to the United States on any of the grounds stated in the foregoing section shall apply to the appropriate Treasury officer of the district in which he resides, at least one month prior to the time of his departure, said application to be accompanied by his certificate of residence, and said Chinese laborer shall make under oath before the said officer a full statement, in triplicate, descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proof of the facts entitling him to return as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury.

He shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the Treasury officer before whom it is made, and the duplicate and triplicate copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

And if the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall, at such time and place as he may designate, sign and give to the said applicant a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If the last-named certificate be transferred it shall become void, and the person to whom it was originally issued shall forfeit his right to return to the United States.

The right to return under said certificate shall be limited to two years from the date of leaving the United States.

And no Chinese laborer shall be permitted to reenter the United States without producing to the appropriate Treasury officer at the place of such entry the return certificate herein required. A laborer presenting a certificate of return required by this section shall be admitted to the United States only at the port from which he departed.

But no Chinese person, whether laborer or of another class, other than Chinese diplomatic or consular officers and their suites, shall be permitted to enter the United States except at the ports of San Francisco, Portland (Oregon), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, San Juan (Porto Rico), or such other ports as may be designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, subject to the restrictions imposed by section 26.

SEC. 12. That it shall be the duty of every Chinese laborer rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted), at the time of the passage of this act, to obtain within six months after the passage of this act a certificate of residence in the mainland territory or the insular territory wherein he resides.

To obtain such certificate he shall apply to the appropriate Treasury officer, who, if satisfied on inquiry that the applicant is rightfully within the United States and rightfully within the portion of the territory of the United States where he applies, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall further contain the photograph of the applicant, made at the time and in the manner required by said rules and regulations. A duplicate of the certificate shall be retained by the officer issuing the original, and the duplicate shall contain a duplicate photograph, provided as in the case of the original.

Any person bound under this section to obtain a certificate of residence who shall neglect, fail, or refuse to comply with the provisions hereof, or who, after the expiration of the said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any officer of the United States and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney; and it shall be the duty of said judge or said commissioner to order that he be deported from the United States unless he shall clearly establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and that the six months time limit aside, he is rightfully entitled to such certificate; and if upon showing it shall appear that he is thus circumstanced, a certificate of residence shall be granted him.

No person shall be given a certificate of residence under any section of this act or be entitled to a reissue of any lost certificate of residence who, prior to his application therefor, shall have been convicted of any crime within the jurisdiction of the United States or any State or Territory or insular territory thereof. Any such person, being thus without such certificate, shall be deported.

Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce all needful rules and regulations for the registration and certifications by this section required, and the Secretary of the Treasury shall appoint the officers for effecting such registration and certifications, authorizing the payment to them of such compensation in the nature of fees, in addition to their salaries as now allowed by law, as he shall deem necessary, not exceeding \$1 for every certificate issued.

SEC. 13. That should it appear that any laborer to whom was lawfully issued a certificate of residence under this act has lost such certificate, or that it has been destroyed, he shall be given a new certificate by the appropriate Treasury officer, on establishing to the satisfaction of the United States judge or commissioner before whom he is brought for deportation that the loss or destruction was not in bad faith.

SEC. 14. That nothing contained in this act shall be construed to prevent the readmission of any Chinese laborer who departed from the United States prior to the passage of this act, possessing a return certificate valid under the acts repealed hereby: *Provided*, That on his return he comply with the requirements of the said acts hereby repealed.

SEC. 15. That to entitle such Chinese persons as are mentioned in section 4 to admission into the United States, or into any portion of the territory of the United States, they shall produce a certificate from their Government, or the government where they last resided, viséed by the diplomatic or con-

sular representative of the United States in the country or port whence they depart; or if such persons are residents of the American-mainland territory of the United States and seek entry into any insular territory of the United States, or are residents of any insular territory of the United States and seek entry into other insular territory or into the American-mainland territory of the United States, then such certificate shall have been issued by the appropriate Treasury officer of the United States.

SEC. 16. That the certificate mentioned in the preceding section shall be in the English language, shall be made in triplicate, and shall contain the personal signature of the person to whom issued; and it shall state his individual, family, and tribal names in full, his title and official rank, if any, his age, height, and all physical peculiarities, his former and present occupation or profession, and (in detail) when, where, and for how long pursued, and his residence and such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. If the said person be a merchant, the certificate shall state, in addition to the aforesaid matter, the nature and estimated value of the business carried on by him prior to and at the time of his application therefor, and the duration of his continuance in such business. If the certificate be sought for the purpose of travel for pleasure or curiosity, it shall state, in addition to the matter first aforesaid, whether the applicant intends to pass through, or travel within, the territory of the United States, and shall show his financial and class standing in the country or insular territory whence he comes.

In every case the original and each copy shall contain the photograph of the person to whom the certificate is issued, made in the manner and at the time required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 17. That before any representative of the United States shall visé any certificate of the kind mentioned in the preceding two sections, and before any Treasury officer of the United States shall issue any such certificate, he shall carefully examine into the facts of the particular case; and if he shall find, after inquiry that any of the statements of the certificate are false, or any of the statements the Chinese applicant seeks to have it contain are false, it shall be his duty to refuse to visé or to issue such certificate.

SEC. 18. That the original certificate issued under the last three sections shall be, by the said diplomatic or consular representative of the United States viséed, or the said Treasury officer issuing the same, delivered open to the Chinese person named therein.

The duplicate thereof shall be, by the said representative or the said Treasury officer, delivered, in a sealed envelope, suitably addressed, to the shipmaster, railway conductor, or other person in charge of the transportation of the person to whom the original is given, whose duty it shall be promptly to deliver it to the appropriate Treasury officer of the United States at the place where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The triplicate thereof shall be, by the said representative or the said Treasury officer, immediately sent by mail to the appropriate Treasury officer of the United States at the port at which said Chinese person seeks entry.

SEC. 19. That the certificate mentioned in the four sections next preceding this section shall be, when duly viséed by the proper diplomatic or consular representative of the United States, or when issued regularly by the appropriate Treasury officer of the United States, as the case may be, prima facie evidence of the facts therein set forth, and shall be produced to the appropriate Treasury officer of the United States in the port in the United States at which the person named therein seeks entry; and if such entry is permitted, said certificate, properly indorsed by the appropriate Treasury officer, shall be returned to and retained by the person named therein, while he desires to remain in territory of the United States, as a means of indicating his original status, and it shall afterwards be produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing it to establish a right of entry into the United States. But said certificate may be controverted, and the recitals thereof disproved, by the authorities of the United States. And if any of such recitals be disproved, or if any certificate be fraudulently used or in any manner forged or altered, then such certificate shall be null and shall be forthwith canceled.

SEC. 20. That in the case of a Chinese person who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act, the following provisions shall govern:

First. To enable the United States to identify him he shall be entitled to have issued to him by the appropriate Treasury officer a certificate of registration setting forth his personal signature, his name, his personal description, his residence, his occupation and place of pursuing it, together with such details concerning it and such other matter as may be required by rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. This certificate shall be made in duplicate, and the copy shall be retained by the officer issuing the certificate. The original and the copy shall each contain the photograph of the applicant, made as required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

Persons entitled to such certificates who fail to obtain them shall be, in any proceeding inquiring into their status under this act, presumed to be laborers not entitled to remain within territory of the United States, but such presumption may be rebutted.

Second. When any Chinese person who, being a member of any of the classes mentioned in section 4, desires to depart from the United States or any portion of the territory thereof, intending to return thereto, he may, if he so desire, apply to the appropriate Treasury officer in the district wherein he resides, at least one month prior to the time of his departure, such application to be accompanied by his certificate of his registration, and in that event shall make under oath before said officer a full statement, in triplicate, descriptive of his professional, business, or other position or status, and shall furnish to said officer such proof of his status as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury, and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the Treasury officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

And if said last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide that the representations of status are true, he shall, at such time and place as he may designate, sign and give to the said applicant a certificate containing the number of the

description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If the last-named certificate be transferred, it shall become void, and the person to whom it was originally issued shall forfeit his right to reside in, or return to, the United States.

Third. To entitle any such Chinese person as is mentioned in this section to readmission to the United States or any portion of the territory thereof, he shall produce to the appropriate Treasury officer at the port of entry the return certificate in this section provided for; and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof.

SEC. 21. That nothing in this act shall be construed to prevent the entry into the United States, or any portion of the territory thereof, of the lawful wife or the minor children of any Chinese person of any of the classes mentioned in section 4 actually domiciled in the United States at the time of such proposed entry: *Provided*, That no such wife nor any of such children shall be permitted to enter who shall fail to establish to the satisfaction of the appropriate Treasury officer at the port of entry that the required relationship exists and to produce to him a certificate as follows:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person departed, and shall show that after investigation said representative believes it to be true that the relationship asserted genuinely exists.

Second. If the wife or child come from any insular territory of the United States and seek entry into American mainland territory of the United States, or come from American mainland territory of the United States and seek entry into insular territory of the United States, or come from any insular territory of the United States and seek entry into other insular territory of the United States, the certificate shall have been issued by the appropriate Treasury officer of the United States at the port whence such person departed, and shall show that after investigation said officer believes it to be true that the relationship asserted genuinely exists.

Third. It is hereby made the duty of diplomatic and consular representatives of the United States, and of the appropriate Treasury officers, to make rigid investigations of all applications for such certificates, and to issue them when the relationship required and claimed is clearly established, but not otherwise.

Fourth. Each of said certificates shall be issued in triplicate and shall contain the photograph of the person named therein, and in addition to the matter already mentioned shall contain whatever may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. The photographs shall be made at the time and in the manner required by said rules and regulations.

The original certificate shall be, by the representative or officer issuing it, delivered open to the person named in it, or, if such person be an infant, to the person in charge of such infant.

The duplicate thereof shall be, by said representative or officer, delivered in a sealed envelope, duly addressed to the shipmaster, railway conductor, or other person in charge of the transportation of the person for whom the original is available, whose duty it shall be to deliver it promptly to the appropriate Treasury officer of the United States at the port where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The triplicate thereof shall be, by the representative or officer issuing the certificate, immediately sent by mail to the appropriate Treasury officer at the port where said Chinese person seeks entry.

Provided, That no woman shall be entitled to enter under this section unless she shall establish, by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the primary and lawful wife of a member of one of the classes enumerated in section 5, under a marriage contracted in such manner as to be legal and binding in the United States.

SEC. 22. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants or servants, who shall be admitted to the United States under special instructions of the Secretary of the Treasury, without production of other evidence than that of personal identity.

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 23. That before any Chinese person is landed from any vessel on territory of the United States, or, in case of inland immigration, before any Chinese brought to any inland border port of the United States shall be permitted to leave the car or other conveyance in which he was brought thither, the appropriate Treasury officer shall examine such Chinese person, comparing his certificate with the lists given under succeeding provisions hereof, and also with such Chinese person; and no Chinese person shall be allowed to land or to enter in violation of law. The examination and comparisons herein required shall be made immediately after the arrival at port or border.

SEC. 24. That the master of any vessel arriving in the United States from any foreign port or place shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate Treasury officer of the customs districts in which such vessel shall have arrived a separate list of all Chinese persons taken on board his vessel at any port or place, and all such persons on board the vessel at that time. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign Government traveling on the business of such Government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the master in the manner required by law in cases of manifests of cargo.

The foregoing requirements shall apply also to the masters of all vessels arriving in the American-mainland territory of the United States from any of the insular territory of the United States; and to the masters of all vessels arriving at any point in any such insular territory from the American-mainland territory of the United States, and to the masters of all vessels arriving in the Philippine Islands, Hawaii, Porto Rico, or any other insular territory of the United States from any other insular territory of the United States.

Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture provided for a refusal to report and deliver a manifest of cargo.

SEC. 25. That in the case of Chinese persons brought to an inland border

port of the United States, the railway conductor or other person so bringing them shall, immediately on arriving there and before enabling or permitting any such Chinese person to cross the border into territory of the United States, deliver to the appropriate Treasury officer a list of all Chinese persons so brought. Such list shall show the names of all such Chinese persons (and in the case of accredited officers of the Chinese or other foreign Government, traveling on the business of such Government, or their servants and attendants, a note setting forth such facts), the port or place at which each was taken in charge, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the person bound to deliver it, the oath to be administered by the said Treasury officer.

Any refusal or willful neglect of any such conductor or other person bound to deliver such list to comply with the provisions of this section shall be deemed a felony and shall be punishable under section 53. Should the offender not be subject to punishment in the United States, then any rule or regulation which may be made by the Secretary of the Treasury for cases of that class shall be enforced; and as well against his employer as against himself, if his employer be a person or corporation interested in the transportation of the Chinese person as to whom the offense was committed.

SEC. 26. That Chinese laborers shall continue to enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions:

First. Privilege of transit shall be denied if the applicant fail to produce to the appropriate Treasury officer at the port where entry is sought a through ticket entitling said applicant to transportation from such port to the point of ultimate destination in the foreign country whither he claims to be bound, such ticket in good faith requiring transit across territory of the United States and having been fully paid for; or if he fail to produce, additionally, to the said officer a certificate as follows: (a) If the applicant come from a foreign country, the certificate shall have been issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, and shall show that after investigation said representative believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for; (b) if the applicant come from any insular territory of the United States and seek the privilege of transit across American-mainland territory of the United States, or come from American-mainland territory of the United States and seek the privilege of transit across insular territory of the United States, or come from any insular territory of the United States and seek the privilege of transit across other insular territory of the United States, then the certificate shall have been issued to him by the appropriate Treasury officer of the United States at the port or place whence said applicant departed, and shall show that after investigation said officer believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for.

And it is hereby made the duty of the diplomatic and consular representatives of the United States and of the appropriate Treasury officers of the United States to investigate all applications for the said certificates, and to issue such certificates where the applications are shown to be in good faith, but not otherwise, and in such form and carrying such additional information as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit in any case or in all cases where the transit is sought by laborers coming from any insular territory of the United States.

Second. Privilege of transit shall be denied if the applicant refuse or fail to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate Treasury officer at the port where entry for the exercise of such privilege is sought, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly and immediately to the ultimate destination which is named in his certificate, and is not seeking to abuse the said privilege.

Third. Privilege of transit shall be denied if the applicant shall first have sought admission into the United States or some Territory thereof otherwise than for the purpose of transit and shall have been refused such admission.

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe with a view to prevention of abuse of such privilege.

Fifth. The master of any vessel, the conductor of any railway train, or the manager or director of any other conveyance bringing to any port in the United States, or on the border thereof, any applicant for the privilege of transit shall, immediately after arrival there and before landing or permitting to land, or enabling or permitting to cross the border, as the case may be, any such applicant, deliver to the appropriate Treasury officer of the United States a separate list of all such applicants so brought, which list shall show the name of each applicant, the matter contained in the certificate he bears, and such other matter as may be required by the rules and regulations from time to time prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be sworn to by the person bound to deliver it, the oath to be administered by the said officer to whom it is delivered. Failure to comply with any of the requirements of this subdivision shall be punishable in the case of masters of vessels as in violations of section 21, and in the case of others as in violations of section 22.

Sixth. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall designate the ports at which entry into the United States or particular territory thereof for the purpose of exercising the privilege of transit may be granted to persons entitled to exercise said privilege; and said privilege shall be exercisable at no other ports or places. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada said designation shall be subject to this restriction: No place along either of said boundaries shall be so designated, nor shall any port along either of said boundaries be designated as a place of entry for any Chinese person whatever, whether in transit or otherwise, until there shall have been executed between the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations purposing to bring Chinese to such port contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese persons, under such money penalties as shall be set forth in said contracts; and no such port shall remain open to entry of Chinese persons, in transit or otherwise, beyond the life of such contracts in unviolated state. But the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such port to transit privilege if in his judgment such privilege is being abused there.

SEC. 27. That every Chinese person brought by vessel to any port of the United States shall be detained aboard such vessel until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and every Chinese person brought to an inland border port of the United States shall be detained at such port until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and in the first class of cases the duty of such detention shall rest on the master, owner, agent, and consignee of the vessel concerned, collectively and singly, and in the second class of cases said duty shall rest on the person, persons, corporation, or agent, collectively and singly, by whom said Chinese person was transported or aided to the inland border port: *Provided*, That Chinese persons may be otherwise and elsewhere detained pending such final decisions, in accordance with such rules and regulations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe: *And provided*, That no right of entry or residence and no privilege of transit shall result to any such Chinese persons by reason of temporary detention and landing authorized under such rules and regulations, and that no release from liability or obligation under this act shall be worked by such temporary detention and landing in favor of any vessel, or the master, owner, consignee, or agent of any vessel, or any other person or corporation whatsoever.

Every person bound under this section to detain a Chinese person who shall refuse or willfully neglect promptly to perform such duty shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 28. That every Chinese person finally refused admission to the United States must be returned to the country of which he is a citizen or subject immediately after such refusal.

The duty of returning said Chinese person is hereby imposed on the master, owner, consignee, or agent of the vessel, and on the railway corporation, its general officers and agents, and on the owners or general officers and agents of other transportation lines or modes of conveyance, collectively and severally, bringing him to the port at which entry is denied him or aiding him thither.

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may elect to effect such return in some other way than as above prescribed, and at the expense of the United States, in which case the vessel, persons, or corporations that would otherwise have been bound to effect such return shall be jointly and severally liable to the United States for the costs thereof.

And in every case such vessel, persons, or corporation shall be jointly and severally liable to the United States for all costs connected with the inquiry concerning the right of such Chinese person to enter or pass through the United States or any portion of the territory thereof.

The provisions of this section shall apply likewise in every case where a Chinese person is brought from any insular territory of the United States to the American-mainland territory of the United States, and in every case where a Chinese person is brought to any insular territory of the United States from said mainland territory. But in any case where a Chinese person is brought to any insular territory of the United States from other insular territory thereof, he shall, when refused admission or transit, be deported to China.

Every person bound under this section to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not returned as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment: *Provided*, That any subordinate officer, agent, or employee of any such vessel, railway corporation, other transportation line, or other mode of conveyance, who is charged with the duty as such subordinate officer, agent, or employee of returning any Chinese person, and shall refuse or willfully neglect promptly to perform such duty, shall be subject to all the pains and penalties imposed by this section upon persons bound to return a Chinese person who refuses or willfully neglects to do so.

SEC. 29. That every owner, officer, agent, or employee of any transportation line, railway corporation line, vessel, vehicle, or other mode of conveyance by sea or land who shall aid or abet or willfully or through neglect permit or connive at the escape of any Chinese person held in detention pending final adjudication of his claims, or as provided by sections 27 and 28 of this act, shall be deemed guilty of a felony, and on conviction thereof be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 30. That every vessel whose master, owner, agent, or consignee shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any customs district of the United States wherein found. Violations of section 27 or section 28 are among the offenses to which this provision applies.

SEC. 31. That any person who, as principal or accessory, shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese person otherwise than as prescribed by this act, or who, pending a final decision as to the right of any Chinese person to enter or pass through territory of the United States, shall knowingly bring into or attempt to bring into or conspire to bring into territory of the United States such Chinese person, or who shall knowingly harbor or attempt to retain within or conspire to retain within the United States or any territory thereof any Chinese person unlawfully therein and subject to deportation therefrom, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not less than \$2,000 or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

SEC. 32. That any Chinese person found within any portion of the United States in violation of any provision of this act shall be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless upon the hearing the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be, or to remain in, the United States, or in the portion of the territory of the United States wherein found, it shall be the duty of said judge or commissioner to order that he be deported. It shall be the duty of the United States attorney of said district to attend the hearing, and the testimony of at least two credible witnesses other than Chinese shall be required to establish the right claimed.

SEC. 33. That if any Chinese person shall enter the United States or any portion of the territory thereof without having first obtained from the appropriate Treasury officer the required permission to enter, he shall be deported, notwithstanding that had he properly applied he would have been entitled to enter.

SEC. 34. That wherever herein it is provided that a Chinese person shall be deported it is meant:

First. In the case of a person who came from a foreign country, that he

shall be forthwith returned thither or to the country of which he is a subject or citizen: *Provided*, That in any case where a country of which such person shall claim to be a subject or citizen shall demand any tax as a condition of the removal of such person to that country, he shall be sent to China.

Second. In the case of a person who came without right from one portion of the territory of the United States to another portion of the territory of the United States, that he shall be forthwith sent to the country of which he is a citizen or subject.

And orders of deportation in the foregoing and all other cases shall be executed by the United States marshal of the district wherein the said orders are made; and he shall execute the same with all convenient dispatch, and pending such execution shall detain in his custody the person ordered to be deported, who shall not be admitted to bail, save in cases of appeal as set forth in the proviso of section 50.

SEC. 35. That in any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions herein vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions herein vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

SEC. 36. That any Chinese person who violates any of the provisions of this act shall be deported. Accusation and hearing in such case shall be before a United States judge in the district wherein said Chinese person is found, or before a United States commissioner designated by a United States attorney.

SEC. 37. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate provided for in this act or by Treasury rules thereunder, or who shall knowingly utter any such certificate, if forged or fraudulent, or who shall forge any such certificate; or who shall, whether an officer of the United States or not, issue to any person a certificate as to the status or right of entry, or right of residence, or privilege of transit, or right of return of any Chinese person (other than a certificate authorized by law to be by him issued), with intent to defeat any provision of this act, or any Treasury rule thereunder, or with intent to deceive the person to whom or the Chinese person for whom issued, or any other person; or who shall falsely personate any person named in any certificate authorized by this act or Treasury rules or regulations thereunder, shall be deemed guilty of a felony, and on conviction thereof shall be fined not less than \$1,000 nor more than \$5,000, or imprisoned for a term not less than one year nor exceeding five years, or shall be both so fined and imprisoned.

SEC. 38. That the requirements and penalties imposed by this act on masters, owners, agents, and consignees of vessels shall not apply in the case of any vessel bound to a port not within the United States which shall come within the jurisdiction of the United States by reason of being in distress or because of stress of weather. But if any Chinese person brought on any such vessel shall be permitted to land in the United States in violation of law, or if every Chinese person so brought, who is bound to do so under this act, does not depart with the vessel when it leaves port, then the penalties of this act shall be imposed on said vessel, and the master, owner, agent, and consignee thereof, jointly and severally.

SEC. 39. That the master of any foreign vessel which shall bring to the United States in the crew of such vessel, or otherwise in its service, any Chinese persons not entitled to entry, shall be required to execute a bond satisfactory to the Treasury Department, in the sum of \$2,000 for each of said Chinese persons, the condition of said bond being that none of such Chinese persons shall be permitted to land from said vessel for any purpose whatever, with or without the permission of said master, while said vessel remains within the United States. The bond shall be canceled upon the certificate of the appropriate Treasury officer that all Chinese persons covered by it have departed from the United States on said vessel.

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge.

SEC. 40. That any Chinese person who, having been admitted into the United States, or from one portion thereof into another portion thereof, as a teacher, student, merchant, or traveler for curiosity or pleasure, ceases to be of the status gaining him such admission and becomes a laborer within the meaning of this act, shall forfeit the privilege of remaining in the United States or the territory thereof, and shall be deported. And in every case where a Chinese person, having gained admission by virtue of being a servant or an attendant of a Chinese officer, ceases to be such servant or attendant he shall be deported.

SEC. 41. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce rules and regulations whereby the Treasury Department shall have a complete record of the date, place, and circumstances of birth of every Chinese person hereafter born within the jurisdiction of the United States, together with data as to parentage. And a certified copy of the record as to any person whose birth is recorded hereunder shall be admissible as evidence in all inquiries under this act.

SEC. 42. That no certificate issued under this act shall be pawned, sold, or transferred. Violation of this provision shall be followed by cancellation of the particular certificate, and, if the offender be a Chinese person not a citizen in mainland territory of the United States, by deportation of such person. If the offender be of any other class, then he shall be punished under section 53.

SEC. 43. That two years after the departure from the United States of a Chinese laborer to whom has been issued a return certificate hereunder the Treasury Department shall cancel all official papers and entries concerning him: *Provided*, That he shall not within said period have exercised his right to return.

SEC. 44. That hereafter no State court, or court of the United States, shall admit any Chinese person to citizenship.

SEC. 45. That the administration of this act shall be in charge of the Commissioner-General of Immigration, under direction of the Secretary of the Treasury.

The said Commissioner-General, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any and all rules and

regulations by him deemed needful to an efficient execution of this act or of any other law of the United States or of any treaty relating to Chinese persons or persons of Chinese descent: *Provided*, That he shall make no rule or regulation inconsistent with this act.

Wherever in this act the term "appropriate Treasury officer" or its equivalent is used, that officer of the United States is meant who is appointed by the Secretary of the Treasury and is designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to perform the duty or to exercise the authority mentioned. And it is hereby made the duty of the Secretary of the Treasury to make all needful appointments and of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to make all needful designations forthwith on the passage of this act; and the duty of inspecting and investigating all immigrants under this law or under the general immigration laws of the United States shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration.

All officers appointed or designated to enforce the provisions of this act are hereby empowered to administer oaths touching the right of any Chinese person to enter or to remain in the United States or any territory thereof, or touching the privilege of transit through any part thereof.

SEC. 46. That when the appropriate Treasury officer at the port of arrival of any Chinese person shall have passed upon the application of such person for the right of entry into the United States or any of the territory thereof, or for the privilege of transit through the United States or any of the territory thereof, whether such right or privilege be sought for the first time, or under a return certificate, or under claim of former residence as a merchant, or otherwise, then the decision so given shall be final and not subject to review by the judicial branch of the Government of the United States: *Provided*, That said Chinese person, and also any officer of the Treasury Department of the United States, may appeal from said decision through the Commissioner-General of Immigration to the Secretary of the Treasury.

Any appeal hereunder to the said Secretary of the Treasury must be filed with the officer making the decision appealed from within five days after the making of such decision.

But where the applicant for entry or transit shall base his claim of right to enter or his claim to privilege to pass through the United States or any of the territory thereof on alleged citizenship of the United States or any of the territory thereof, and upon that solely, no administrative officer of the Government of the United States shall pass upon his case, but he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and, the appropriate United States attorney attending, a judicial hearing shall be had, as on writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district, as in deportation cases. And if such decision is adverse to such claimant he shall be returned as provided by section 23. And whenever any Chinese person bases his claim of right to enter or to reside within, or his claim to the privilege of passing through, the United States, or any portion of the territory thereof, on any claim recognized by this act or any law of the United States, and such claim is under inquiry or such claim has been decided adversely to him, he can not assert alternatively another claim of right to enter or to reside within, or any claim of privilege to pass through, the United States or any portion of the territory thereof.

SEC. 47. That when any commissioner of the United States shall have given a decision in any case under this act an appeal therefrom may be taken to the United States district court, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

SEC. 48. That when any United States district court shall have given a decision, on appeal or otherwise, in any case under this act, or any other law or any treaty of the United States relating to Chinese persons, or persons of Chinese descent, an appeal therefrom may be taken to the circuit court of appeals of the United States, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

But in case of appeal under this section by the United States a certified copy of the testimony taken on the hearing before the district court shall, within ten days after said hearing, be transmitted to the Attorney-General of the United States, who may direct the appropriate district attorney to move for a dismissal of the appeal.

In appeals under this section the circuit court of appeals may review all facts as well as all questions of law, and shall have power to make all necessary orders, either for discharge of the Chinese persons or for deportation thereof.

SEC. 49. That on appeal to a district court of the United States or to the circuit court of appeals of the United States, under this act, a transcript of the record and copies of all testimony taken on the hearing before the commissioner or court whose decision is appealed from shall be transmitted to the district court or the circuit court of appeals, as the case may be; and either court may order sent to it, in addition, or in lieu, any original document or other evidence used or considered in the lower court or tribunal. But no new evidence shall be received in the circuit court of appeals, except by order of said court upon motion duly made for that purpose.

SEC. 50. That in every case of appeal under the foregoing sections the Chinese person who is the subject of such proceedings shall remain in the custody of the appropriate United States marshal pending final decision, and without bail: *Provided*, That if the appeal be prosecuted from a decision discharging him from custody he may be admitted to bail pending decision on appeal, but in a sum not less than \$2,000. And this section shall apply likewise in every case arising under this act where a Chinese person sues out a writ of habeas corpus; and as well to the time before the first hearing on habeas corpus as to appeals from the first or any later decision in the proceeding.

SEC. 51. That the term "United States," when used in this act as a geographical designation, is meant to include all the lands and waters in any way subject to the jurisdiction of the United States, both continental and insular. And the term "insular territory" used in this act is meant to include all island territory of the United States not forming a part of any State or of Alaska.

SEC. 52. That the term "Chinese" and the term "Chinese person" used in this act are meant to include all male and female persons who are Chinese either by birth or descent, as well those of mixed blood as those of the full blood. And wherever herein personal pronouns are used the masculine includes the feminine.

SEC. 53. That any violation of any provision of this act whereof punishment is not otherwise provided shall be deemed a felony, and shall be punishable by fine not less than \$1,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 54. That for every case passed upon by him under this act \$5 shall be paid to the commissioner of the United States duly bound to act therein.

SEC. 55. That wherever by this act or any Treasury rule or regulation thereunder a certificate or other paper is required to be issued in duplicate or triplicate, the original shall be marked "Original," the duplicate shall be marked "Duplicate," and the triplicate shall be marked "Triplicate."

SEC. 56. That the provisions of this act shall not be construed to prevent the admission of Chinese into the United States for the purpose of participat-

ing in any fair or exposition authorized by act of Congress: *Provided*, That such admission shall be in accordance with rules and regulations of the Commissioner-General of Immigration prescribed with the approval of the Secretary of the Treasury.

SEC. 57. That all acts and parts of acts inconsistent with any provision of this act are hereby repealed: *Provided*, That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under laws in effect prior to the passage hereof, but all such prosecutions and proceedings shall proceed as if this act had not been passed.

Mr. CLARK. Mr. Chairman, I want to restate some remarks I made last Friday, because there may be some here now who were not here then. I am in favor of the retention of this second section of the bill. I have a great deal of respect for the legal information and perfect integrity of my friend from Massachusetts [Mr. NAPHEN]. I never have deceived this House and never will.

Mr. HITT. That is true.

Mr. CLARK. This second section flies in the face of a decision of the Supreme Court of the United States, providing the Philippines are a part of the United States and providing that the citizens of the Philippine Islands are citizens of the United States.

Mr. KLEBERG. Will the gentleman from Missouri permit me to ask him a question?

Mr. CLARK. Yes; certainly.

Mr. KLEBERG. Does not this include Hawaii and Porto Rico?

Mr. CLARK. No; it has nothing to do with Hawaii.

Mr. KLEBERG. That is excluded from the bill?

Mr. CLARK. That is excluded, because it has a special provision of its own in the act of annexation.

Mr. KLEBERG. What does the gentlemen comprehend in the term "insular possessions?"

Mr. CLARK. That includes all the insular possessions except Hawaii.

Mr. KLEBERG. Why do you not say that in the bill?

Mr. CLARK. We do say so in the bill.

Now, Mr. Chairman, I want to say something else, and it is this: I do not believe that the decision of the Supreme Court of the United States in one hundred and sixty-ninth, in the case of Wong Kim Ark against the United States, declaring that Chinese born in this country of Chinese parents are subject to our jurisdiction, is good law. That decision was rendered by a divided court; six judges decided in favor of it, two judges dissented from it, and one judge did not sit.

I say, under the circumstances, it will be something appalling if by our act we make the Philippines a breeding ground for Chinese laborers to come into the United States. Now, gentlemen, I will tell you what I believe is another thing that you will find. If the United States Supreme Court ever decides that the residents of the Philippine Islands are American citizens, and that we have no right to keep out of this country Filipino Chinese, then the American people will rise in their might and drive Congress into getting rid of the Philippine Islands, and that is just exactly what I want to see done—precisely.

You might as well understand what the issue is and be through with it. They must pass upon that question sooner or later, and the way to make them pass upon it at once and have done with it is to put this section in the bill and then they must pass upon it speedily. Then the American people will be fully informed, and can act intelligently, and do as they please. To use a familiar phrase, we will then know "where we are at." Because, as I said on Friday, I do not believe the American people, in their sober senses, are ever going to agree that the Philippine Islands shall be made a breeding ground for hundreds of thousands of Chinese to be brought in here to compete with American labor. For these reasons I want this section to stay in the bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken and the amendment was lost.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 5. That the term "official," as used in the foregoing section, shall be construed to mean one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or if he be a consular officer of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; and the attendants and servants of any such official shall be similarly privileged to enter.

Mr. COOMBS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all of section 5 and insert a new section 5, to read as follows:

"SEC. 5. That the term 'official' used in the foregoing section shall be construed to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be privileged to enter, on being identified as such attendants and servants, in accordance with the rules and regulations subscribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury."

Mr. HITT. Had not the gentleman better make that "consular officers?"

Mr. COOMBS. The idea is to eliminate consular officers and insert in place consul of China, and confine it to the consul and not to the officers that might be appointed.

Mr. HITT. Mr. Chairman, that amendment is assented to by all the members of the committee.

The question was taken and the amendment was agreed to.

Mr. HOOKER. Mr. Chairman, I offer an amendment in place of section 5 of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read.

Mr. HOOKER. Mr. Chairman, I see that my amendment applies to a subsequent section of the bill, and I will withdraw it and offer it at the proper time.

The CHAIRMAN. Without objection, the gentleman's amendment will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 6. That the term "teacher," as used in this act, shall be construed to mean one who, for not less than two years next preceding his application for entry into the United States has been continuously engaged in teaching and who proves to the satisfaction of the appropriate officer that he has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation while in the United States.

Mr. CLARK. Mr. Chairman, to that section I offer two amendments.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

On page 3, line 9, section 6, after the word "teaching" insert the words "the higher branches of education."

The amendment was considered and agreed to.

The Clerk read the second amendment, as follows:

On page 3, line 10, section 6, after the word "he" insert "is qualified to teach such higher branches and."

The amendment was considered and agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That the term "student," as used in this act, shall be construed to mean one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation, and for whose support while studying sufficient provision has been made.

Mr. COOMBS. Mr. Chairman, to that section I offer the following amendment.

The Clerk read as follows:

Insert in line 18, after the word "made," the following: "and who intend to depart from the territory of the United States, to which he comes for such study, immediately on the completion of said studies."

Mr. PERKINS. I would suggest to the gentleman that he strike out the words "to which he comes for such study."

Mr. COOMBS. Has the gentleman an amendment drawn to cover this provision?

Mr. PERKINS. I have the amendment which the gentleman from California drew himself.

Mr. COOMBS. Very well, I will offer that. Mr. Chairman, I withdraw my amendment and offer the amendment which I send to the desk.

The Clerk read as follows:

On page 3, line 18, after the word "made," insert "and who intends to depart from the territory of the United States immediately on the completion of said studies."

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That the term "merchant," as used in this act, shall be construed to mean one who is engaged in buying and selling merchandise at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs a question with relation to the term "merchant." If I correctly understand the section which has been read, in order to gain an entry as a merchant a Chinaman must not only establish the fact that he is conducting a place of business in his own country, but also that he comes here to establish a mercantile business in a fixed place in this country, and that he has the means with which to carry it on.

Now, I learned from the chairman, while he was explaining this bill, that we are selling about a million dollars' worth of cotton in China a month, and it occurs to me that some merchant or some manufacturing corporation may desire to come here, or the officer of a corporation or member of the firm be sent, for the purchase of raw material in this country. I want to ask whether it would be possible under this provision for such merchant or manufacturing company to come here, either by its officers or a member of the firm or agent having the necessary funds to pur-

chase our raw materials or manufactured products? Is it possible under this provision of the bill for him to enter this country for that purpose? We certainly should not exclude persons who desire to come here with money in their pockets to purchase the products of American labor, and thus provide additional work for the American laborer. The question in my mind was whether some provision should not be inserted to cover that matter.

Mr. PERKINS. Mr. Chairman, in answer to the question of the gentleman from Pennsylvania [Mr. OLMSTED], let me say that I do not think there is any provision of this bill under which a purchasing agent could come into this country unless he should have the ingenuity to come in under either clause 4 or clause 9, which allow travelers to come in. Under those clauses he would have to show that he was coming to this country for purposes of pleasure or curiosity, and I think a reasonable Treasury official would say that a Chinese desiring to enter the country to investigate the question of cotton goods was coming in on a matter of legitimate curiosity which should be gratified. Otherwise, Mr. Chairman, he could not come.

The reason for the provision is this: The evasions of the Chinese-exclusion laws have been almost entirely under two heads, either under the head of transit or under the "merchant clause," under which persons claiming to be merchants, but who really were not merchants in any legitimate sense, have entered this country as such and have employed themselves in this country as cool laborers.

There was some talk in the committee of inserting in the bill a clause by which purchasing agents, as such, should be allowed to come into the country; but it was the opinion of the gentleman from California, in which the committee finally agreed, that such a provision inserted in the law would afford very great opportunities for evasion, and that the provision now in the bill would provide sufficiently for cases where it might be desirable to admit persons intending to purchase.

Let me say in further reply to the question of the gentlemen from Pennsylvania that we have endeavored to deal with this question from a practical standpoint. The committee recognizes the desirability of facilitating the sale of American goods in China; and it also recognizes, on the other hand, the practical phases of this question. The American goods that are sold in China are sold by the representatives of American houses there. The amount of American goods bought by agents sent from China to this country is, in my belief, utterly insignificant.

Mr. KAHN. Will the gentleman permit me a moment?

Mr. PERKINS. Certainly.

Mr. KAHN. The invariable custom in doing business in China is that the merchants there make purchases from agents sent from the foreign country; and, indeed, our consuls in China now advocate that a museum of American products be established in Shanghai, so as to stimulate trade. Agents of the Chinese do not go into foreign countries to make their purchases.

Mr. OLMSTED. Is not one reason that they do not come into this country the fact that our laws have prohibited them from coming?

Mr. KAHN. That is not the reason. The English consul at Nuchwang in reporting to his Government said that he consulted merchants of China as to the place of manufacture of goods they were selling, and they did not know whether they were made in the United States or England.

[Here the hammer fell.]

Mr. OLMSTED. I will ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Such consent has already been given.

Mr. CANNON. If I may be allowed, I should like to ask a question. This legislation, as I understand, cuts out the purchasing agent or the commercial traveler who may desire to come to the United States for the purpose of making purchases—cuts him out unless the Treasury official elects to say that he comes on a mission of curiosity.

Mr. PERKINS. I would answer the gentleman from Illinois by saying that so far as this provision is concerned the bill here presented leaves the law exactly where it finds it. Ever since the passage of the Geary law there has been no provision which allowed a purchasing agent as such to come to this country from China.

Mr. CANNON. Very well; then such a purchasing agent can not come in now.

Mr. PERKINS. Not unless in the manner I have suggested.

Mr. CANNON. For curiosity?

Mr. PERKINS. Yes, sir.

Mr. CANNON. But that provision, as I understand the gentleman to state, does not work any hardship, because, as I gather from his remarks, our selling agents may go into China.

Mr. PERKINS. Yes, sir.

Mr. CANNON. In other words, China has not legislated to keep out our selling agents.

Mr. PERKINS. No, sir.

Mr. CANNON. And they go over there and get along comfortably well—

Mr. PERKINS. Yes, sir.

Mr. CANNON. While we shut out their purchasing and selling agents?

Mr. PERKINS. Yes, sir.

Mr. KAHN. The gentleman will permit me to say that the treaty between the United States and China also specifies the exempt classes, and it mentions simply merchants, students, teachers, officials, and persons traveling for curiosity or pleasure. The minds of the two Governments met upon that point.

Mr. CANNON. I am not criticising that matter. The gentleman says that the treaty regulates this question and that this provision cares for the matter. But the state of facts with reference to this question is interesting, and I wanted to know it. I did not know that in fact a purchasing agent can not come from China to our country for the purpose of buying our goods. The only way in which the minds of the two Governments have met in this bargain seems to be that we may send our selling agents abroad and they are permitted to enter China, so that trade goes on.

Mr. COOMBS. Well, Mr. Chairman, if you will permit me, I think if the gentleman from Illinois [Mr. CANNON] gives a more careful perusal to this section he will ascertain that it is not intended in any sense—

Mr. CANNON. I am not criticising you at all. I just want to get at the facts.

Mr. COOMBS. I think you misapprehend the meaning of this particular section.

Mr. CANNON. Possibly so.

Mr. COOMBS. This section permits merchants to come over here and engage in mercantile business. All it intends to do is to draw a line between merchants who come here honestly representing mercantile business in China and those who would come here under the pretense of being merchants, but really to engage in laboring pursuits in this country. Now, if you will read this section—it is as follows:

Where an application is made by a Chinese for entry into the United States as one formerly or at the time engaged in China, or in some other foreign country, or in the insular possessions of the United States, as a merchant, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application.

Mr. HILL. Read the whole of it:

It must also appear to the satisfaction of the appropriate officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means or has completed arrangements for forthwith becoming the owner, in whole or in part, of a mercantile business in the United States.

Now, the question I would like to ask is whether if we are permitted to send a commercial drummer into China, can an honest Chinese merchant, who is established in business in China, send a commercial drummer here, under the provisions of this bill—not to establish a place of business, but to do precisely what we want to do there? That is what I would like to know.

Mr. COOMBS. Now, I apprehend that the essential idea of this bill is to prevent laborers from coming to this country and competing with our labor. If the merchant goes to China, or if the representative of the merchant goes to China, it is not possible, not expected in the very nature of affairs, that he will go there to engage in labor or in any occupation outside of his calling, and there is a distinction which must forever be made in order for the proper enforcement of the laws of exclusion—a distinction between motives and intents of people going from here to China and of people coming from China here. That is a distinction made in the treaty, a distinction upon which the treaties are founded, a distinction upon which all of the laws with reference to their enforcement must rely.

Now, if you will notice, he must come here intending to pursue a mercantile business. Can it possibly be anticipated that a man comes here to pursue a mercantile business, whether to engage in the purchase of cotton or any other goods, who is not equipped at that time with funds sufficient to launch him forth into his business, or that he is unable at that time to establish in this country a mercantile business, is there any possible requirement in that which would throw around his endeavors the embarrassments which are anticipated by the gentlemen? I can see none, and if he does come here honestly engaged in mercantile pursuits, in order to confine him to them it seems to me necessary that he should be connected with some established mercantile business in this country, and that, as I understand it, is the idea of this section.

Mr. PERKINS. Mr. Chairman, just a word more to explain to the committee the practical situation of this amendment. We endeavored to draw a bill that should be practical, and that should not, so far as it could be avoided, do any injury to the legitimate development of American commerce. Now, Mr. Chairman, these

are the facts: The Chinese can send their purchasing agents into England, and the Chinese can send purchasing agents into Germany or into France or Russia, the four countries that with the United States do the volume of business with the Empire of China. Now, Mr. Chairman, it is a fact that in those four great commercial countries where the Chinese have a perfect right to send purchasing agents, if they see fit, not one dollar out of \$1,000,000 that is bought by the Chinese from England or Germany or France or Russia is bought by Chinese purchasing agents. It is sold practically without exception by the agents which those countries send into China.

That is the way and the only way in which the United States merchants can sell their goods in China. If we made an amendment allowing the purchasing agents to come here it would be a mere matter of form. We should sell no more American goods through the medium of Chinese purchasing agents than England or France or Germany or Russia sell through that medium—in other words, none at all. In other words, Mr. Chairman, allowing the entry of these agents—purchasing agents, so called—into this country, in my judgment, would not increase the sale of American products a thousand dollars a year. It would be a provision that could be used as a means of fraud and that would be utterly unproductive in increasing the volume of American commerce with China. You have got to do business in China as other nations do business in China—by sending our men there to sell the goods; and unless we send our agents there, if we wait here until Chinese agents come to purchase our goods, I say we will wait forever without entering the Chinese markets.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I only want to say a word. I am not proposing an amendment to this bill. I have had my own matters of legislation, with which I am charged to look after, and I have not given much of attention to the provisions of this bill because I have not had time to do it, and even if I had had the time, I am not so well equipped as the gentlemen who have made a study of this question. I am quite in harmony, let me say, so that I may not be misunderstood, with the proposition to continue to prohibit Chinese laborers from coming into our territory, and for the simple reason that with their customs and habits and with our customs and habits we can not compete. That is, stated in a sentence, why I have heretofore supported this kind of legislation and why I support it now.

But I was led to ask a question a moment ago on the statement that my friend on my left [Mr. COOMBS] made that there was no provision here by which a Chinese purchasing agent could come into the United States to make a purchase of goods unless he could come in in fraud of the law, and that it is now, and as I understand, deemed necessary to prevent frauds being perpetrated upon the law that even purchasing agents should be shut out. I am not here to put up my opinion against that of the gentleman. Of course there is no law that can be made touching the Chinese or anybody else but what here and there it will be violated. For that reason you have the courts, for that reason they are always open, for that reason you have your inspectors and officers. Whether it was necessary to have it made so severe I am not here to express an opinion about, but as long as we are to have trade with China, and we are blowing a good deal about our proposed trade with China, I must be permitted to express the opinion that it is exceedingly fortunate that our commercial agents can go into China along with the Russian and the British and German commercial agent. I am not prepared to say whether there is any legislation that might be enacted by China that would throw our purchasing agents out or not.

Mr. KAHN. She has the power.

Mr. CANNON. She has the power.

Mr. KAHN. She has the power under our existing treaty.

Mr. PERKINS. She has never exercised it.

Mr. CANNON. My friend says she has never exercised it.

Mr. PERKINS. And never will.

Mr. CANNON. And he says she never will. Why?

Mr. PERKINS. Because it is not to her interest.

Mr. CANNON. It is not to her interest? Very well. Well, the trade goes on. They can not come from there here to buy, but we can go from here there to sell. That seems to be the situation, but I am not here to put my opinion up against that of the experts you know touching this matter.

Mr. GILLET of Massachusetts. Mr. Chairman, the gentleman from New York having stated that the committee favored this provision, I want to state that as a member of the committee I in the committee opposed the exclusion of all except laborers, and I am opposed to it now. The gentleman from California did not answer the gentleman from Connecticut [Mr. HILL]; there is no question that this law will prevent a purchasing agent from China coming into this country. I think it is a shame that we should not allow purchasing agents of China to come in here, that we should not allow lawyers, ministers, doctors, bankers of

China to come into this country, and the statement of the gentleman that up to-day no Chinese goods are sold by purchasing agents does not prove that it is not going to be done.

We are hoping we will have a great trade in the future, and China is likely, it seems to me, to imitate us in methods as trade increases, and a proposition was made in the committee that five agents of every mercantile house should be admitted, and it was discussed, and I am sorry to say it was lost, and if it were lost in committee I have no doubt it will be in the House, and I do not wish to make any ineffectual aim at something I know can not be accomplished; but I do wish to state for myself I think we are wrong in limiting the people of China who come into this country to merchants, teachers, and travelers. My friend from California says the treaty so provides.

I differ from him. I think he will find other lawyers differ from him. I admit one Attorney-General has given that opinion, but it seems to me that anybody who will inquire and impartially compare our treaties and the history of that clause will say that the only persons under the treaty we have the right to exclude are Chinese laborers. Now, we all want to exclude them. To that there is no opposition. I think, under the treaty, everybody else has a right to come in; and I think it is good policy for this country to allow everybody else to come in. I will agree that it shall be limited, so that no one should be able to come in under the guise of either class as a laborer. I understand that is all anybody wants; and I do not see why it is not as easy to prevent the laborer coming in as a purchasing agent as to prevent him coming in as a merchant; and I believe we ought to allow the purchasing agents to come in. The treaties and justice and self-interest all demand that we should exclude no one except laborers.

Mr. CLARK. Mr. Chairman, I would like to say a word about this provision. The whole intent of this law is to shut out Chinese laborers. If there was some way of branding the Chinaman right across his forehead that he is a laborer, there would be no trouble about it. You can not do that. You can define the merchant in a fairly accurate way. You have hedged him around with conditions so that you can find out who a merchant is. You have defined a teacher so that with some certainty you know who he is. You have defined a student so that you know who he is.

There is a sort of hazy provision which applies to people traveling for pleasure, etc. But as to the commercial travelers or purchasing agents who are to come over here; if you simply use those terms and say nothing else, then every Chinese cooly that wants to get into the United States will instantly become a purchasing agent.

Mr. GILLET of Massachusetts. I would not say simply that.

Mr. CLARK. If you are going to have a provision in there at all, you should place a definition in it that is comprehensive and clear.

Mr. GILLET of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. CLARK. Yes; with pleasure.

Mr. GILLET of Massachusetts. Why can not the Treasury Department draw a regulation defining a purchasing agent as they have defined a merchant and teacher?

Mr. CLARK. It may be that the Treasury officials can do it. But if you put that provision in the bill at all that they shall come in, then you surely ought to draft your definition yourself or empower the Treasury officials to do it, because if you do not you may as well take the whole bill and stick it in the stove and be done with it. Now I will yield to the gentleman from Connecticut.

Mr. HILL. Is there a provision in this bill by which a Chinese merchant having sold goods in Shanghai to a merchant of New York, and a failure on the part of the New York merchant to pay his bill, that it would be possible for the Chinese merchant to come here and attend to the collection of this debt, or is he shut out?

Mr. CLARK. I think he is shut out.

Mr. HILL. I think it is an infernal injustice, if that is the case.

Mr. CLARK. That is all right. You have just as much right to your opinion as I have to mine. The men that drew this bill, and the proponents of this bill, are simply trying to keep Chinese coolies out of here, and the reason that they have not succeeded in doing so before is, as I have explained in my main speech, on account of the duplicity of the Chinese character.

Mr. GILLET of Massachusetts. Has there been any definition of merchant or traveler under the law?

Mr. CLARK. I do not know.

Mr. GILLET of Massachusetts. I can tell the gentleman that there has not; and as the Treasury Department has made such a regulation as to effectually define the merchant and traveler, why can not exactly the same thing be done as to purchasing agents?

Mr. CLARK. Perhaps it can. If so, all right.

Mr. OLMSTED. I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend by inserting on page 4, line 12, by adding at the end of said line the words "or that he intends purchasing American products for the purpose of manufacture or sale in China or elsewhere, and has the means to make such purchases."

Mr. CLARK. I should like to hear that amendment read over again.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, I have not before me a copy of the treaty between the United States and China, but I have no doubt that the gentleman from California [Mr. KAHN] correctly states the wording of that treaty, which permits the entry of "merchants, students, teachers, officials, and persons traveling for curiosity or pleasure." There is no doubt that, as he states, "the minds of the two Governments met upon that point." But we have in this section made a definition of the term "merchants" which is not within any fair construction of that term as used in the treaty, and which it is not, in my judgment, for the best interests of our country to enforce. As the section now stands, it requires that in order to be considered a merchant a Chinaman must not only have a place of business in China, but must come here for the purpose and have the means of establishing a mercantile house in this country. The bill as it now stands permits Chinamen to come here to sell their own goods, but does not permit them to come here to buy our products. It seems to me more important that we sell goods to the Chinese and obtain their money than that they sell goods to us and obtain our money. What we want is, not to extend our opportunities for buying from the Chinese, but to extend the markets for the products of American farms and American labor. As I learn from Mr. Austin, the very efficient Chief of the Bureau of Statistics in the Treasury Department, there were during the calendar year 1901 exported from the United States into China various American products of value as follows:

| | | | |
|----------------------------------|------------|----------------------------|-------------|
| Wheat flour | \$271,643 | Mineral oil, refined | \$4,689,179 |
| Cars | 9,302 | Canned beef | 15,383 |
| Clocks and watches | 15,842 | Bacon | 14,395 |
| Cotton cloth | 10,224,215 | Hams | 20,963 |
| Cotton manufactures, other | 125,164 | Butter | 6,563 |
| Fruits and nuts | 59,208 | Cheese | 16,771 |
| Scientific instruments | 24,151 | Tobacco manufactures | 752,606 |
| Builders' hardware | 53,349 | Lumber | 163,125 |
| Sewing machines | 13,547 | Furniture | 25,678 |
| Typewriters | 17,626 | Other articles | 2,290,195 |
| Naval stores | 5,922 | | |
| Turpentine spirits | 71,648 | Total exports | 18,886,475 |

There were also exported by way of Hongkong articles of the value of \$8,058,473, making a total of \$26,945,348 of American goods sold to China in one year.

Now, every pound of American wheat flour, of canned beef, bacon, hams, butter, cheese, tobacco, or fruits sold to China, means just that much money brought into the United States for the American farmer. It means just that much of an extension of the foreign market for the products of the American farm. Every yard of cotton cloth, every car, sewing machine, typewriter, or other article of American manufacture sold to China, means just that much money coming into the United States for the help of American labor. It means that much more money in circulation in the United States. Twenty-six millions added to our circulation each year is of much importance, but we ought to have ten times as much from the same source. China affords a vast field for the exploitation of American goods and wares.

My objection to this section of the bill as it now stands is that it permits a Chinaman to come to this country and establish a place for the sale of Chinese goods, but does not permit a Chinese corporation or firm or individual to come or send an agent here for the purpose of buying our goods. My amendment proposes that Chinese capitalists may come or send their agents here to purchase American goods and American raw material for the purpose of sale or manufacture at their own places of business in China. This bill provides, in section 9, that a Chinaman may come into this country to travel "for pleasure or curiosity," and my friend from New York [Mr. PERKINS] suggests that if he is sufficiently ingenious he can get in under that section, and act as a traveling agent for a Chinese firm desiring to buy our products. Why should he have to come in by subterfuge? Why enact a bill that requires him to cheat? We ought not to put into this bill any provision the terms of which can be evaded by trickery and deception. If we do not wish the Chinese merchants to buy our goods, then let us say so, but if we do wish it, let us give them that privilege squarely and honestly, without requiring them to come in by deception, as intending solely to travel "for pleasure or curiosity."

To my mind it is more important that they purchase our products than it is that they gratify their curiosity and pleasure by traveling among us. Let us provide every safeguard, so that

none but purchasers, or their authorized agents, with means to purchase our goods, shall come in for that purpose. Let us safeguard the provision so that laborers can not come in under the guise of merchants, nor, indeed, as those who travel for pleasure or curiosity, but let us encourage the purchase of our products by China and every other nation. I insist that it is in accordance with the spirit of the treaty which permits Chinese merchants to come here, that they may come to purchase as well as to sell. It is certainly much more to the advantage of the American farmer, the American laborer, and the American people generally, that a Chinese capitalist shall be permitted to spend his money here in the purchase of our products than it is that he shall come here to establish a place of business for the sale of Chinese goods to our people. I should prefer to exclude the seller rather than the purchaser. Let us make the bill as perfect as possible, so that our citizens may derive the greatest good from it.

We are all in favor of the provisions excluding the Chinese coolies from this country. It may seem ungracious to select one nation from among all the nations of the world and say to her "Your citizens shall not be permitted within our borders," but self-preservation demands it. The protection of American labor demands it, and the protection of American labor is one of the most important objects which the Republican party has in view. We desire to continue, and if possible improve, the present prosperous condition of affairs. In order to do that we believe it to be necessary to continue to exclude the Chinese, and, indeed, to so improve the existing exclusion law as to make evasion of its provisions more difficult.

This bill does not present a dividing line politically. Members of all parties favor it. China, with her 400,000,000 inhabitants, is as thickly populated as an ant-hill. Throw down the bars and the lower classes of her people will swarm in upon us, lowering the present high grade of American citizenship, lowering the character and dignity of American labor, and lowering the compensation of labor. Centuries of privation have taught these people to live upon what would starve an American family to death. We believe that labor should receive its just reward, that the families of our laborers may live respectably and comfortably and their children have educational advantages, so that in the race of life the child of the humblest citizen may not be handicapped, but his chances for political or other preferment may be as good as those of the child of the wealthiest parents.

These lower orders of Chinese do not come here for the purpose of becoming American citizens. They come here, frequently under contract, to make what they can to carry back to their own country. They do not assimilate with our people, they are not interested in our institutions, and do not breathe their spirit. We do not deem it wise to permit them to pour into this country to the displacement or disadvantage of intelligent, patriotic American citizens who now occupy the field of honest labor.

Mr. PERKINS. One word, Mr. Chairman, about this amendment, which I hope will not be adopted. As I have already said, the Chinese merchant of whom my friend from Pennsylvania speaks does not go to any country where he is allowed to go to purchase goods. That being so, it must be manifest to members that he will not come here to purchase goods. It is not the custom of the Chinese to go to England, to Russia, or to Germany for the purchase of goods, and therefore they will not come to the United States for the purchase of goods.

Mr. LANDIS. Neither will they come here for the purpose of selling their goods.

Mr. PERKINS. They do not come here or go to other countries for either purpose; so that the committee, by adopting this clause, for which my friend from Pennsylvania has made a plausible argument, would not furnish facilities to purchasing agents, because there is no such class. They would furnish an opening, not for trade, but for fraud.

Mr. DOUGLAS. Mr. Chairman, I would like to reply by saying that while the gentleman's premises are undoubtedly correct, that because up to the present time the Chinese do not come here largely or send his emissaries here, that is not a good argument, for there is a good reason why they do not come. They can not come. In trying to keep them out I think you are making a mistake.

Mr. PERKINS. What I said was that they did not go to certain countries, where they could go. Of course they could not come here. But they do not send their agents to England, to Russia, or to Germany, where they can go if they desire, and if it was the custom of their trade so to do.

Mr. DOUGLAS. They are now sending them to France and to Germany very largely, and there is no reason why they should not send them here. It will do us far more good in the way of trade to have them come here and see the industries of the country than it will benefit us to force the American merchant to send samples there. There is no good reason why these merchants should not come in, as they have plenty of money to spend and

buy our goods. I think we ought to put a liberal construction on this clause. I hope the committee, in giving this due consideration, will let one of these amendments go through; I do not care which amendment it is. If the idea is to keep out pretty much everything, all aliens and their goods, and put discriminating laws on our statute books covering those possessions we now possess, and shut out nations that have been trading with them heretofore, it is going to react upon us. We will find that we are doing ourselves a great amount of injury in the next few years if we keep up this procedure.

To-day the English colonies are agitating the question of putting on discriminating duties against us simply because we propose to exclude English goods from markets where they have been trading before this country was known in the world's trade. China is a smart nation, and there is no reason why we should not have an enormous amount of trade with them, and I am in favor of securing it. I am in favor of a liberal law which will allow the representatives of the Chinese merchants to come here and have every access to this country.

Now, Mr. Chairman, I wish to offer the following amendment, which I send to the Clerk's desk.

Mr. CLARK. I would like to inquire what became of the amendment offered by the gentleman from Pennsylvania?

The CHAIRMAN. It is pending.

Mr. PERKINS. I will suggest that the amendment of the gentleman from New York [Mr. DOUGLAS] is not in order.

The CHAIRMAN. Let the Clerk report the amendment.

The Clerk read as follows:

On page 4, after the words "United States," line 12, insert "commercial travelers or purchasing agents sent by any established importing house and exporting house in China shall be authorized to free entry into the United States or possessions on giving a bond that residence will be for not over one year and they will engage in no labor whatever during their stay here. Said bond must be signed by two responsible Chinese residing in the United States or possessions, or by two citizens of the United States, and the penalty to be \$500 for infringement."

The CHAIRMAN. The Chair will inquire of the gentleman from New York [Mr. DOUGLAS] whether his amendment is proposed as a substitute for that of the gentleman from Pennsylvania [Mr. OLMSTED] or as an amendment to that amendment?

Mr. DOUGLAS. If the gentleman from Pennsylvania cares to accept my amendment as a substitute for his, I shall be very glad. I am simply seeking to secure some provision which will give proper rights to these men to come in under suitable restrictions.

Mr. OLMSTED. As the amendment of the gentleman from New York seems to have been pretty carefully drawn, I am willing to accept it in lieu of my own, which I will withdraw.

The SPEAKER. Without objection, the amendment of the gentleman from Pennsylvania will be withdrawn, and the amendment of the gentleman from New York will be regarded as pending. The Chair hears no objection.

Mr. HILL. Mr. Chairman, it seems to me that very careful consideration ought to be given to the amendment of the gentleman from New York, in view of the fact that the business which he carries on is coextensive with the world, and that his familiarity with this whole matter is such as to entitle his opinion to be carefully weighed by this House.

It strikes me that while we in the United States can get along without any intercourse whatever with the Chinese merchants, and indeed without any commercial relations whatever with that country, this bill as it now stands is going to put the people of the Philippine Islands in a very embarrassing situation. They are absolutely dependent upon the mainland for food to live upon, it being a well-known fact that the Philippine Islands are not capable of producing, especially under present conditions, the food required for the people there. The potatoes, corn, and other vegetables eaten at the hotels in Manila come almost entirely from the Chinese mainland.

Mr. KAHN. From Australia.

Mr. HILL. No; from Hongkong, not Australia. I myself saw a contract for three and a half millions rubles' worth of live cattle to be delivered in one year from China into Vladivostok. The Orient is dependent on China for food.

Now, we are proposing to say to those people in the Philippine Islands, "You may go over there and trade with those people, but they shall not come into the islands under any conditions whatever and trade with you even temporarily." It seems to me this Committee of the Whole ought to give fair consideration to a proposition of this kind.

Mr. OVERSTREET. Is it not true that under the so-called merchant clause of the present law a great many Chinese laborers have come into this country in the guise of merchants?

Mr. HILL. I have not a doubt of that, and no man can be more opposed to anything of that kind than I am.

Mr. OVERSTREET. Then would it not be highly objectionable and dangerous to allow so-called Chinese "drummers" to

come in here as purchasing agents, when in reality they would be coming in for the purpose of taking employment as laborers?

Mr. HILL. I believe it would be wise to safeguard the provisions of this bill to the utmost, but I do not believe we have a right in international honor to brand a whole nation as sneaks and cowards and thieves—as men who will violate their honor. As I understand the situation, the commercial honor of Chinese merchants is irreproachable, whatever may be the character or actions of the cooly. You can not find a bank in the Orient, whether English or Japanese or American, that has not as its cashier, handling its funds, a Chinese. That is the universal rule. Yet we propose to say to these people, "Not only your coolies, but your merchants—men whose ancestors dressed in silks when ours were wearing skins and living in the caves of the bears—shall all be placed under one category and shall all be treated alike." I do not think it fair thus to demand from them what we are unwilling to grant them in return.

I say, let the Chinese stay there; we do not want them, but let us be honest and say, "This is a matter of self-protection." But let us not brand these people in a body as rascals and thieves and cowards; let us not say that their word—even the word of their honored merchants—is not to be trusted.

There is another reason why I think we should be fair to them. Our State Department is spending every energy to have the Chinese ports opened to us. That nation is allowed to send its drummers and commercial agents to England, Germany, and France. Now, it strikes me that if we are going to enact any law so stringent as this bill as it stands in regard to commercial relations, we had better withdraw the hands of the State Department from bringing Russia and this country into antagonism for the sake of Great Britain, Germany, and France, who will have the exclusive control of the Chinese ports after the passage of this bill.

Mr. CRUMPACKER. The gentleman is familiar, is he not, with the condition of affairs in the Philippine Islands?

Mr. HILL. Not much.

Mr. CRUMPACKER. Somewhat?

Mr. HILL. Yes, somewhat.

Mr. CRUMPACKER. Now, does the gentleman know whether the Chinese have been in the habit of sending their commercial agents into those islands for purposes of trade?

Mr. HILL. Well, I do not know as to that. I saw that pretty much all the trade of Manila was monopolized by the Chinese. I do not know whether they were there temporarily or not. I regretted to see that condition of things. I am in hearty sympathy with the gentlemen from California on the general proposition of this bill.

Mr. CRUMPACKER. I understand this bill is drawn for the purpose of restricting Chinese commercial agents from going into the Philippine Islands as well as coming here.

Mr. HILL. I understand so; and that is where I see one of the embarrassing features of this legislation.

Mr. CRUMPACKER. I was about to inquire whether any embarrassment would be created on account of the proximity of the Philippine Islands to China.

Mr. HILL. Not only would there be embarrassments from a commercial point of view on account of the Chinese that might desire to go into the Philippine Islands—within twenty-four hours of their own shores—but the people in the Philippines are, as I have said, absolutely dependent upon the Chinese mainland for even the food that they eat. This legislation would prevent the Chinese merchant who in good faith has sold his goods in the Philippine Islands or in the United States—no matter how long he may have been established in business in his own country or how clearly he has proved his honesty and good faith—from going into the Philippine Islands or coming here to collect his debts.

It strikes me, gentlemen, it is not fair; and we can not afford to be unfair in our international relations. Let us say to these people that for the protection of American labor we have no room here for your 400,000,000 people, but in our commercial transactions we have as much respect for our honor as you have in the Orient, and the honor of the Chinese merchant in the Orient is unimpeachable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, it has taken twenty years to bring the exclusion laws to their present conditions. The early enactments upon this question were exceedingly mild, so far as the merchant class was concerned, and what was the result? They streamed here in violation of the law, and year by year our Government, in order to do that very thing that the gentleman from Connecticut [Mr. HILL] says we should do, in order to protect the American laborer, year by year has been compelled to formulate new regulations, so as to shut out this class who were endeavoring to come in here in the disguise of merchants. Even while the hearings were pending before the Senate committee common laborers were arrested here in Washington. They had gained ingress into this country as merchants, and they were brought be-

fore the committee and they were questioned and it was shown they had purchased certificates as merchants in Hongkong and come here on them.

Now, I have here a "coaching paper," which was sent from San Francisco to China in order to teach some laborers in China how to answer questions and show that they are bona fide merchants or bona fide students or bona fide travelers. That is the trickery we have to confront all the time, and it is on that account that it has been found necessary to make these provisions as drastic as they are, if they are drastic.

Mr. LANDIS. I would like to ask the gentleman from California a question. Is it not true there has been an organization for years in San Francisco for the purpose of giving instructions to coolies desiring to come into this country, to come in under this so-called merchant clause?

Mr. KAHN. There is no doubt but that the greatest trouble we have is on account of the merchant clause. That is the one clause they are trying to violate constantly, and if you give them any additional loopholes to crawl through you may rest assured they will take advantage of every opportunity.

Mr. HILL. Is it not far easier to draw a provision in this law by which an honest commercial agent may be identified than it is to provide here that a man may come who is traveling for pleasure or curiosity? I would rather admit the honest merchant than the man who is simply traveling for pleasure and curiosity. He may spend his money, what he brings with him to the United States, but the honest merchant who comes here to sell goods or to buy goods or to buy raw material helps the whole industry of the land. You have drawn such a provision in regard to Chinese gentlemen who will travel for curiosity and pleasure. Why do you not strike that out and let in the legitimate merchants? I am with you on the exclusion, but it seems to me you have excluded the wrong class.

Mr. KAHN. Because, Mr. Chairman, before that regulation was adopted they were coming as persons traveling for pleasure and curiosity, and we had to hem around that provision in existing law with these restrictions.

Mr. HILL. Well, keep them out.

Mr. KAHN. That would be in direct violation of the treaty that the gentleman has said so much about.

Mr. HILL. I have not said a word about the treaty.

Mr. LANDIS. I would like to ask the gentleman a question. Is it true that there is such a thing as a traveling salesman for a Chinese concern?

Mr. KAHN. No, sir.

Mr. LANDIS. Is not the representative of a Chinese concern who comes to the other nations of the earth to find markets for his wares a fiction?

Mr. KAHN. It is, absolutely. I was in China this summer—

Mr. GILLET of Massachusetts. The gentleman from New York [Mr. PERKINS] says he knows there are such people who go to France and Germany. And I would like to have that question settled.

Mr. KAHN. If you will take the monographs published by our Treasury Department, you will see that the German does business in this way. It is set out in full in the monograph on "China," and I call it to the attention of the gentleman because it is very instructive and shows how the business is done. Germany has been building up a trade—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KAHN. I simply want to say, Mr. Chairman, that that monograph points out how business is done there. Before the goods arrive the German calls upon his Chinese customer and asks him whether he can not sell him another order of goods, and he assures him that if the goods are not right he will make them right. Finally, when the goods come, on the very day that they arrive, the German is there, and he watches their unpacking; and then he tells his Chinese customer that he need not be in a hurry about paying for them. He gives a long credit.

The thing is stated in full in an article published by our Treasury Department, and it is held that by reason of these long credits, and by reason of the care with which the German in China nurses his trade, he has been able to build up his commerce.

The English consuls, as I stated before, say that the Chinese do not care where the goods are manufactured. All that they want is a certain class of goods, with a certain brand or "chop," as they call it; something to which they have become accustomed, and they will buy the goods they want from any country in the world. They can be offered to them by any country in the world.

Mr. DOUGLAS. May I interrupt the gentleman for a second?

Mr. KAHN. Yes.

Mr. DOUGLAS. That shows one of the iniquities of the law. Although the House may not know it, it is a singular fact that, leaving out the tea trade, there is almost as much trade done through English merchants with American goods going to China as through American merchants. That is because the American merchants do not have the opportunity and the Chinamen do not have the opportunity of doing that trade themselves. Therefore the orders go to London to-day; and the trade of Manila is similarly situated. We are doing more trade with Manila to-day through English merchants than we are through American merchants. I say that ought to be changed, and there ought to be a condition of the law which would enable us to change it.

Mr. OLMSTED. Will the gentleman allow me to ask him a question?

Mr. KAHN. Certainly.

Mr. OLMSTED. Under this bill all that is necessary for a Chinaman coming in as a merchant is to make it appear to the satisfaction of the appropriate officer at the port of entry that he comes as a merchant.

Mr. KAHN. Oh, no; he must have his certificate viséed by a consular officer in the country from which he departs.

Mr. OLMSTED. I want to ask you if the provision which my friend from New York has inserted in the amendment is not just as carefully guarded against fraud as this can possibly be?

Mr. KAHN. I do not think so.

Mr. OLMSTED. Requiring a bond with two sureties in the United States?

Mr. KAHN. I do not think so. After my twenty years of experience I would say that it is a loophole through which they will certainly crawl, and I hope the amendment will not pass.

Mr. PERKINS. I move that debate on this paragraph and all amendments thereto be closed.

Mr. KAHN. I have an amendment which I desire to offer.

The CHAIRMAN. That will be in order if this motion is agreed to.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. DOUGLAS].

The question being taken; on a division (demanded by Mr. DOUGLAS), there were—ayes 15, noes 67.

Accordingly the amendment was rejected.

Mr. KAHN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk reports.

The Clerk read as follows:

On page 4, line 10, after the word "means," strike out the word "or" and insert "under his immediate control for forthwith becoming."

On page 4, in line 11, after the word "a" insert the word "recognized."

Mr. PERKINS. I only wish to offer a suggestion which I think will be concurred in by the gentleman from California. In the amendment offered by the gentleman from California, after the word "becoming" add the word "or."

Mr. KAHN. That is correct. I will accept that.

The CHAIRMAN. The question is on the adoption of the amendments offered by the gentleman from California, of which there are two.

Mr. PERKINS. Let them be reported.

The CHAIRMAN. Without objection, the amendments will be again reported.

The amendments were again read.

The CHAIRMAN. Without objection, the question will be put on the two amendments together.

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

SEC. 9. That the term "traveler," as used in this act, shall be construed to mean one who shall establish to the satisfaction of the appropriate officer that he has funds to pay the cost of the intended journey within territory of the United States and that his purpose in seeking entry is solely travel for pleasure or curiosity, and who intends to depart upon the conclusion of his travels.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 1, page 5, the word "has" and insert in place thereof the following, "is in personal possession of adequate."

The amendment was agreed to.

Mr. SULZER. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. Mr. Chairman, in my opinion the highest considerations of the public welfare require and the urgent necessities of labor demand that this Congress pass without further delay as stringent a law as can be drawn to restrict Chinese immigration. The question affects the very foundation of our civilization. It is a duty we owe to posterity and to every citizen in our land. If the immigration bars are ever let down in this matter, the

Chinese will come into this country in droves, overrun the land, menace our domestic institutions, threaten our tranquillity, imperil the Republic, and destroy American labor.

This bill is for self-preservation. It is largely a racial question of supremacy and essentially for the protection of labor. We offer no apologies to the Chinese for this legislation, but we declare it to be the first duty of Congress to legislate for the rights of the American workmen. We are going to pass this bill, not for the Mongolian, but for the American—for those who toil, who have created all our wealth and have made us great and prosperous. I am a friend of the American workman, and his interests demand the enactment of this bill into law. My sympathy is now, always has been, and always will be in favor of the toilers of this country. I am opposed to increasing their burdens or making their lot harder by the competition of the yellow man from the Orient.

This bill, it is said, goes much further than the present law. So it does, and I am glad of it. I have recently been on the Pacific coast and have looked into this Chinese question to some extent. To my personal knowledge the present Chinese-exclusion law is violated nearly every day. That law was loosely drawn and is full of loopholes. This bill remedies those mistakes. The people on the Pacific coast understand the methods and the habits of the Chinamen. They have come in contact with them for years and know all about them. They favor this bill. The Chinaman is very cunning, very clever, and very shrewd. As Bret Harte, one of our own poets, has most truly said:

For ways that are dark
And for tricks that are vain,
The heathen Chinese is peculiar.

Nothing about John was ever said truer than that. The American workman can not compete with the Chinaman, and if he could I would not want him to. I have too much respect for the dignity of the American. In this matter we should not quibble, we should not split hairs to favor the Chinaman. We should take broad ground in behalf of the American. I care not what others may do or say, but for myself I will never consent by my vote to place Chinese cheap labor in competition with honest, intelligent, progressive American labor. All that we are and all that we hope to be we owe to the American workman. I will never vote to lower his standard.

The toilers of the country demand the passage of this bill; and in their behalf, for their benefit, and in the best interest of the public weal I hope it will speedily pass and become a law. [Loud applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

SEC. 10. That the prohibition of section 1 shall not apply to the return of any registered Chinese laborer who has, at the time of his departure and at the time of his return, in the United States a lawful wife, child, or parent, or property of the value of \$1,000, or debts of like amount due him and pending settlement. These exceptions are subject to the following provisions:

First. A "registered" Chinese laborer is: One who, being lawfully a resident of the mainland territory of the United States at the time of the passage of this act, is the rightful holder of a valid certificate of residence issued to him under the acts of Congress in force at the time of the passage of this act. Every such certificate is hereby continued in force in accordance with the provisions of this act.

Second. The marriage referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return. It must also appear that the applicant had no other wife (under Chinese or other laws or customs) living at the time of such marriage.

Third. If the right to return be claimed on the ground of property or debts, it must appear: (a) That the ownership is of property other than money; that the requisite minimum value is over all incumbrances, liens, and offsets; and that the title was not acquired for the purpose of evading this act. (b) That the debtor is solvent; that the amount due is not less than the required sum, above offsets and discounts; that the debts do not consist of promissory notes and were not created with a view to evade this act.

Mr. COOMBS. Mr. Chairman, I have three amendments.

The Clerk read as follows:

In line 20, page 5, after the word "married," insert the following: "to the wife."

Insert in line 22, page 5, after the word "return," the following: "And the parties must have lived together as husband and wife continuously until the departure of said laborer." Also insert in line 7, page 6, after the word "notes," the following: "or similar acknowledgments of ascertained or settled liability."

The CHAIRMAN. Without objection, the amendments will be considered together.

There was no objection.

The CHAIRMAN. The question is upon agreeing to the amendments offered by the gentleman from California.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 11. That a Chinese laborer claiming the right to return to the United States on any of the grounds stated in the foregoing section shall apply to the appropriate officer of the district in which he resides at least one month prior to the time of his departure, said application to be accompanied by his certificate of residence, and said Chinese laborer shall make under oath before the said officer a full statement, in triplicate, descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proof of the facts entitling him to return as shall be required by the

rules and regulations from time to time prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury.

He shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at his expense and made as required by the rules in that regard prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate officer at the port whence the applicant intends to depart from the United States.

And if the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall sign and give to the said applicant a certificate containing the number of the description last aforesaid.

If the last-named certificate be transferred, it shall become void, and the person to whom it was issued shall forfeit his right to return to the United States.

The right to return under said certificate shall be limited to two years from the date of leaving the United States.

No Chinese laborer shall be permitted to reenter the United States without producing to the appropriate officer at the place of such entry the return certificate herein required. A laborer presenting a certificate of return required by this section shall be admitted to the United States only at the port from which he departed.

No Chinese, other than Chinese diplomatic or consular officers and their suites, shall be permitted to enter the United States or any of its insular possessions except at the ports of San Francisco, Portland (Oreg.), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, or such other ports as may be designated by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after the word "New Orleans," in line 7, page 8, the following: "Malone, Ogdensburg, and Rouses Point, N. Y.; Richford and Alburg, Vt.; Portal, N. Dak., and Sumas, Wash."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. HITT. Mr. Chairman, the gentleman proposes this amendment, and I take it for granted he is animated by care for local traffic and its profits. But that traffic is really, in chief part, unlawful. It is smuggling in Chinese laborers, and is a violation of the existing law. The evidence we have is that there are runways along the northern borders to bring in these laborers. There are not many Chinese travelers coming that way; there are no considerable number of the exempt classes of Chinese—merchants, teachers, etc.—who come to the British Pacific coast and take the Canadian Pacific Railway, going thousands of miles through that country, in order to enter the United States on the northern border.

The men who really come through by that way are Chinese laborers whose admission into British Columbia is paid for, and is a source of revenue to the British dominions. They come to British Columbia, and then are brought by this railway through Canada along the borders of the United States. At some convenient runway they are smuggled into this country along bypaths or through the woods across the border line. They come here to work in competition with American labor. Our consuls at some of these border places say that 500 Chinamen have been smuggled by a single post in this criminal fashion, in violation of the law, and unknown to the officers of the Treasury of the United States, and unknown to our Government except by indirect evidence that great numbers have been brought here not in a legitimate way.

Mr. KAHN. Will the gentleman allow me an interruption?

Mr. HITT. Certainly.

Mr. KAHN. The last part of that section allows the Treasury officials to designate any additional port to those mentioned in the bill. If there is any necessity for additional ports, the Commissioner-General of Immigration can designate them.

Mr. SHERMAN. Mr. Chairman, the gentleman from Illinois, I think, does not mean to make his statement quite as broad as I understood him to make it—that the intention of the amendment, or its effect, was to encourage smuggling.

Mr. HITT. Oh, no, I disclaim that; I impute nothing of the kind. I knew the honorable gentleman from New York would not introduce an amendment for any such purpose. I was trying to point out that while he might be trying to promote the business interests of these localities, a very proper thing for a member to do, the committee had investigated the subject and found from the evidence, especially of our consuls, that the effect of making these ports of entry would be to promote the smuggling of Chinese laborers into the country.

Mr. SHERMAN. Mr. Chairman, it is not in my mind, and I thank the Lord it is not in the mind of a majority of the members of this House, to do anything which will promote the smuggling of Chinese into this country. I believe it is the desire of the House to prevent the Chinese from coming in under the terms of this bill, which are proper and very restrictive; but it does seem to me that if we can prevent the Chinese coming in at the different ports named in the bill, it will be possible also to prevent their coming in unlawfully at the ports named in the amendment.

Mr. Chairman, the answer of the gentleman from California that we do not provide in the bill for all the ports, that the Commissioner-General can designate other ports, why not apply that to all ports? What is sauce for the goose is sauce for the gander. If that provision is wide enough, let it apply to all and name no ports; but if you are going to name a part of the ports, name them all.

Mr. KAHN. Mr. Chairman, I desire to say that all the ports named in the bill are seaports. None named are on our borders. I am sorry the gentleman was not here last Saturday, but I read from the testimony of the inspector at Malone, in New York, showing that thousands had been brought over there unlawfully. Now, this is a matter in which any transportation line can go to the Commissioner-General of Immigration and have these ports designated. That is the custom now, and I understand that Plattsburg and Ogdensburg are already designated. If any additional ones are needed, I am satisfied that the Commissioner-General of Immigration will designate them; but I hope that this amendment will not prevail, because, as the chairman of the committee has rightfully said, an investigation will show that an improper use may be made of the privileges.

Mr. FOSTER of Vermont. Mr. Chairman, it seems to me that the chairman of the Committee on Foreign Affairs and the gentleman from California are laboring under a misapprehension in this matter. It seems to me that the gentleman from California was laboring under a misapprehension when he read the other day what he now refers to. It is true, in my judgment, that thousands of Chinese come over the Northern borders who ought not to be admitted into this country; but these gentlemen ought to understand that they do not come through any port. The great majority of them are not smuggled in, but they notify the United States officials that they are coming, and then they come over the line—simply walk over the line into this country—are voluntarily arrested by the United States officials and taken into custody and are then disposed of upon such evidence as is produced on each side.

Now, the entrance of all these people has nothing to do with the entrance of Chinese through established ports. The port of entrance is an entirely different thing from the place where these Chinese persons may walk over. For instance, if Richford were a port of entry, persons who might wish to appear and be examined by the Treasury Department would be taken into custody there by the customs official and would be disposed of. If they had not a right to come in and remain here they would be sent out. But, in point of fact, the Chinese who come in unlawfully do not enter through a port of entry. They simply walk over the border and are not taken into custody by the customs officials, but by the marshal, the officers of the United States courts, who take them into custody and try them in our courts.

We simply say, as has been stated by the gentleman from New York [Mr. SHERMAN], that if it is proper to have a port of entry in one part of the country, why not give us a port of entry in our part of the country, so that if a Chinese person should claim the right to come in he can make application to the Treasury Department through the custom-house at that point and establish his right to do so.

Mr. COOMBS. Does the gentleman desire to invite the entrance of Chinese persons at these ports?

Mr. FOSTER of Vermont. No; and if you want to cut them all out I will help vote down the amendment and leave it with the Treasury Department to name all the ports.

Mr. SHERMAN. If you put San Francisco in, it is an invitation for these people to come in there.

Mr. COOMBS. We would be willing that you should transfer geographically the port of San Francisco if you would take all the Chinese coming in there and take care of them.

Mr. SHERMAN. Then let all the ports named in the bill be struck out.

Mr. COOMBS. In answer to that suggestion I would like to say a word. The law as it stands to-day, and as it must go into operation and be enforced if this bill be passed and approved by the President, provides for certain ports. I do not believe that the scope of the law with reference to that subject has been enlarged; I do not believe it has been confined or curtailed. We are simply reenacting the existing law, but we have gone further for convenience, not for our own convenience, but for the convenience of the Chinese who may desire to be admitted here, those rightfully entitled to come in. We have delegated to the proper officials the authority to determine under certain circumstances and under conditions of justice—

The CHAIRMAN. The time of the gentleman from Vermont [Mr. FOSTER] has expired.

Mr. COOMBS. May I have time simply to add that the Commissioner-General may designate other ports in addition to those enumerated here?

Mr. WM. ALDEN SMITH. Mr. Chairman, the suggestion

of the gentleman from New York [Mr. SHERMAN] that we strike out all the ports named in the bill would, it seems to me, lead to very great confusion. In that case you must vest in the Commissioner-General of Immigration the power to establish ports of entry for Chinese of the accepted classes, for under the bill Chinese laborers are prohibited from coming into the United States.

Mr. SHERMAN. Certainly.

Mr. WM. ALDEN SMITH. Now, if you vest that officer with the power to strike out the name of any port he may choose, then between the time that a diplomatic officer accredited to the United States departs from China and the time of his arrival here the immigration commissioner may, if for any reason he desires, discontinue the port for which the officer is headed. In that way I think great confusion might result.

It appears to me it is well to have certain prominent ports known to the world as the ports at which people of this character may present themselves for admission, where our officers of the law can supervise and regulate the matter, and in drafting this bill we have named these ports, because we believed that in this way proper notice would thus be given to the world. In other words, it would be extremely unbecoming if a diplomatic officer of China accredited to this country should be obliged to scan the whole coast of our country—to travel up one side and down the other in order to find a place—a proper port of entry—where he might appropriately present himself before the examining official. For this reason we have designated the ports named, and the fewer the better, in my opinion.

Now, Mr. Chairman, with reference to the general provisions of the bill: We have undertaken by this bill to impose a very effective prohibition upon the right of Chinese laborers to enter here. We have done this because we believe it to be best for our country. It is in accord with the treaty obligations existing between China and the United States. We have the undoubted right thus to limit immigration calculated to interfere with the rights and welfare of American citizens, and it is our duty to do it. We have done it in a way which, in my judgment, reflects credit upon our own country and no discredit or dishonor upon the Chinese Empire, who, according to treaty, have recognized the peril attendant upon a large influx of Chinese laborers. We owe this protection to our own American labor, whose dignity and welfare has been temporarily placed in our hands in this measure. We would be recreant to that trust if we failed to make this bill strong in every part, and we can well afford to be guided by their wisdom. For this reason I should dislike very much to see this change adopted simply because the local port of entry of some member of Congress is not specially mentioned in the bill. I hope the bill will pass.

Mr. GILLET of Massachusetts. Mr. Chairman, one word upon the suggestion of the gentleman from New York [Mr. SHERMAN] as to striking out all of these ports. The Constitution provides that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Now, the question is whether that provision does not prohibit us from selecting or designating any port or ports in preference to others. Under that provision are we not obliged to allow these people to enter, if they enter at all, at any port of the United States that they may select?

It has been held by the courts that the bringing of passengers into this country is commerce; and therefore if we allow a passenger to come into the country at San Francisco, we must allow him to come in at any other port of entry of the United States. Therefore it seems to me that the legal and proper thing would be for us to cut out the designation of all these ports, and allow these people who may come in here to come in at any port that they desire to enter, without making any exception.

Mr. WM. ALDEN SMITH. The gentleman's suggestion does not meet the position taken by the gentleman from New York.

Mr. GILLET of Massachusetts. No, sir.

Mr. WM. ALDEN SMITH. The gentleman from New York was urging that we allow the Commissioner-General of Immigration to designate the ports or discontinue them at his pleasure. Certainly the provision which the gentleman has cited would not sustain the gentleman from New York in that proposition.

Mr. GILLET of Massachusetts. The law as it stands allows a few designated favorite ports, and therefore, if I am correct, is in conflict with the constitutional provision.

The question being taken on the amendment of Mr. SHERMAN, it was rejected.

Mr. KAHN. I move to amend by inserting, after the word "shall," in line 13, section 11, page 7, the words "at such time and place as he may designate."

The amendment was agreed to.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 5 strike out the words "the ports of" and insert "such," and strike out lines 6 and 7, so that the clause will read, "except at such ports as may be designated by the Commissioner-General," etc.

Mr. PERKINS. Mr. Chairman, I hope this amendment will not be adopted. The ports which have been designated by the bill are the ports which have long been used as the established places of entry for Chinese persons. It is desirable that some ports should be named in the bill; and, Mr. Chairman, in reference to the constitutional question suggested by my friend from Massachusetts [Mr. GILLET] I take the liberty of saying that it is entirely without weight. The provision of the Constitution provides that in reference to general commerce no preference shall be given to one port over another port in any other State; but when it comes to the entry of the Chinese laboring men that is a part of the general police regulations. It can be restricted to certain ports, as much as quarantine regulations or the entry of special articles of commerce subject to quarantine regulations can be placed at certain ports. There is, I assure the gentlemen of the committee, no constitutional trouble with the provision by which we have enumerated for the reception of Chinese persons certain ports and certain ports only, leaving it to the judgment of the Commissioner-General of Immigration under the control of the Secretary of the Treasury to designate such other ports as experience may show are required. I hope the amendment will not be adopted by the committee.

Mr. SHERMAN. Mr. Chairman, I hope the amendment will be adopted. If adopted, it removes any possibility of any constitutional question being raised. The gentleman from Massachusetts [Mr. GILLET] believes that there is a constitutional question involved. The gentleman from New York [Mr. PERKINS] believes that there is not. There you have two distinguished lawyers differing on this question. I do not pretend to say which one is right, Mr. Chairman, but there is a question, and if this amendment is adopted that question is removed. The gentleman from California [Mr. KAHN] suggests that inserting the word "Ogdensburg" is an invitation to the Chinese to enter at that port. Mr. Chairman, if that be true, the insertion of San Francisco or Portland or these other ports is an invitation for them to enter at these ports.

Mr. KAHN. The gentleman misstates what I said, not, of course, with any desire to.

Mr. SHERMAN. I certainly did not so intend.

Mr. KAHN. What I did say was that it would give rise to the fraud the chairman of the committee had spoken of.

Mr. SHERMAN. Neither the gentleman from California nor myself desires to have any Chinamen enter this country except under the provisions of this law. We do not differ as to that, and we deprecate the fact, both of us, I am sure, that heretofore Chinese have unlawfully come into this country, and those that have so come into the country across the border from Canada into the State of New York, which the gentleman from Illinois refers to, have come in unlawfully, and they will not cease to come in unlawfully because the ports are not named in this bill. They can come in unlawfully just the same afterwards. Those ports were open heretofore for the entry of Chinese under the law, yet notwithstanding that the gentleman says hundreds of Chinese were illegally smuggled into this country through that northern border.

Now, what is to prevent their being smuggled in hereafter, and smuggled in in greater numbers, if there are no officers up there to permit them to come in legally? It seems to me, Mr. Chairman, that if we are to permit the Commissioner-General of Immigration to have power to name any ports, we ought to let him have power to name them all.

Mr. COOMBS. Will the gentleman yield to a question?

Mr. SHERMAN. Certainly.

Mr. COOMBS. If it is unconstitutional to designate any port in this bill, particularly as by inclusion of certain ports and exclusion of others, how could it possibly be constitutional to give the Commissioner-General of Immigration that power?

Mr. SHERMAN. I refer my distinguished friend from California to my colleague from New York [Mr. PERKINS] and the gentleman from Massachusetts [Mr. GILLET] on the constitutional question involved. [Laughter.] I distinctly stated I did not care to act as referee on that question.

The CHAIRMAN. The question is on agreeing to an amendment offered by the gentleman from New York [Mr. SHERMAN].

The question was taken; and on a division called for by Mr. SHERMAN, there were—ayes 22, noes 41.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I submit to the gentleman

from New York [Mr. PERKINS] that in line 7 a verbal amendment ought to be made by striking out the word "or" and inserting the word "and."

Mr. PERKINS. Mr. Chairman, the gentleman from Illinois is correct. I will offer that amendment.

The Clerk read the amendment, as follows:

On page 8, in line 7, strike out the word "or" and insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PERKINS]. The amendment was agreed to.

The Clerk read as follows:

SEC. 12. That any Chinese required by law to obtain a certificate of residence who shall be found within the jurisdiction of the United States without such certificate shall be deemed to be unlawfully therein, and may be arrested and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney, who may order that said Chinese be deported from the United States unless he shall establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate and that he is rightfully entitled to the same, and upon such showing a certificate of residence shall be granted him.

Mr. CLARK. Mr. Chairman, I offer a substitute for the section.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 12 and substitute the following:

"SEC. 12. That any Chinese required by law to have or to obtain a certificate of residence in the United States or any of its possessions, who shall be found therein without such certificate, shall be deemed to be unlawfully therein, and may be arrested and taken before a United States judge, or before a commissioner of any United States court, to be designated by the United States attorney of the district, or before the appropriate officer of said possession, who may order that said Chinese be deported from the United States or from said possession. If said case arise in any of said possessions of the United States where a registration is required to be taken hereafter, and said Chinese has not registered within the time required by law, and he shall establish to the satisfaction of said officer that, by reason of accident, sickness, or unavoidable cause, he was unable to procure his certificate and that he is rightfully entitled thereto, a certificate of residence shall be given to him for said insular possession.

"It shall be the duty of every Chinese laborer rightfully within any of the insular possessions of the United States (Hawaii excepted) at the time of the passage of this act to obtain, within twelve months after its passage, a certificate of residence in the insular possession wherein he resides. To obtain such certificate he shall apply to the appropriate officer, who, if satisfied on inquiry that the applicant is rightfully within the territory of the United States where he resides, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall also contain the photograph of the applicant, made at the time and in the manner required by such rules and regulations. A duplicate or the certificate, which shall also contain a duplicate photograph, shall be retained by the officer issuing the original. Said original certificate shall entitle said Chinese laborer in said insular possession to the rights and privileges therein, as are provided for registered Chinese laborers in the mainland territory of the United States under sections 10 and 11 of this act.

"Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe all needful rules and regulations for the registration and certifications by this section required other than in the Philippine Islands."

Mr. PERKINS. I move to strike out from the last line of the amendment the words "other than" and to insert the word "except."

Mr. CLARK. That is all right.

The CHAIRMAN. The gentleman from Missouri modifies his amendment in the manner suggested by the gentleman from New York.

Mr. CLARK. Yes; so that the last clause will read: "except in the Philippine Islands."

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That nothing contained in this act shall prevent the readmission of any Chinese laborer who departed from the United States prior to the passage of this act possessing a return certificate valid under the acts repealed hereby: *Provided*, That on his return he comply with the requirements of the said acts.

Mr. COOMBS. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 9 and 10, page 9, strike out the words "under the acts repealed hereby" and insert "at the time of the passage of this act."

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the certificate mentioned in the preceding section shall be in the English language, shall be made in triplicate, and shall contain the signature of the person to whom issued; and it shall state his individual, family, and tribal names in full, his title and official rank, if any, his age, height, and all physical peculiarities, his former and present occupation or profession, and when, where, and for how long pursued, and his residence, and shall be accompanied by his photograph. If the said person be a merchant, the certificate shall also state the nature and estimated value of the business carried on by him prior to and at the time of his application therefor. If the certificate be issued for the purpose of travel it shall also state

whether the applicant intends to pass through, or to travel within, the United States or its possessions, and shall show his financial standing in the country or possession whence he comes.

Mr. COOMBS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 4, page 10, after the word "photograph," the following:

"And shall contain such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury."

Mr. ADAMS. Mr. Chairman, I have sat here and listened to these amendments offered one after the other to the bill as reported out of the committee, and I wish now to enter my protest against all of them which tend to make the provisions of this bill more restrictive than they now are. The situation is simply this in a nutshell: This bill came before the committee and was carefully considered, and on one point we were entirely agreed. That was upon the exclusion of Chinese coolies seeking to come into this country as laborers. Then we came to the other question, as to how far the other classes of the Chinese should be excluded or allowed to enter this country. To a certain extent the sentiments of the committee were unanimous on that point that it was for the benefit of our country that free access should be given to the educated and commercial classes of China, in order to develop that trade which we all hope is going to grow out of the changed conditions in China and in the East.

Then came our friends from California, who advanced the extraordinary theory that it was impossible for the officers of the United States Government to draw the limit between an uneducated, unendowed cooly from China and these educated and commercial classes to which we have referred. They insisted upon all these restrictive measures being put into the bill in order, as they said, to safeguard against the wily Chinese getting into this country in spite of the provisions of this bill.

There were some in the committee who did not think that these stringent measures were necessary. The bill was carefully revised. Everything that in the judgment of the committee was necessary to exclude the cooly laborers was done, and the bill was reported with every safeguard thrown around it which we deemed necessary. Now they ask that these stringent measures in addition be included in the bill.

I wish to say, in my best judgment, that that will not develop our trade with China and the efforts that have been made in this country as a result of the Spanish war to build up our trade with the 400,000,000 inhabitants of China. The efforts of the State Department, matching those of Europe, to keep the open door for the benefit of our commerce, will be futile if we will still continue to exclude her people from our shores who are entitled, in my judgment, to come in. Why, our extremity of views can be shown in the guards that are thrown around the class of merchants.

The gentleman from California stated that under this provision a cooly had gotten in. Granted that was true, but it came out in the testimony that the man had paid a thousand dollars to evade the law. How many coolies will be able to raise a thousand dollars to evade the law. Why, many merchants of our country have not much more capital than a thousand dollars, and where a man is able to pay that—there will not many coolies come into our country who have to pay a thousand dollars. Why, Mr. Chairman, it is my best judgment—

Mr. KAHN. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Certainly.

Mr. KAHN. Do you not think that the Chinese Six Companies can pay a good many thousand dollars?

Mr. ADAMS. I think the Chinese Six Companies will not pour out many thousand dollars for ordinary, common labor in this country. It has never been paid in any other branch under contract or any other way where laborers have been wanted temporarily, and no business man could pay \$1,000 a head for ordinary labor to be brought into this country.

Mr. Chairman, the great difficulty with our friends from California is that they are treating this as a political question, and not as an economic question. They are dealing with it from a political standpoint. The gentlemen on the other side of the Chamber are doing the same game—for political reasons. I appeal to those gentlemen who want to look to the general welfare of the country, the men who want to reap the benefits of the new conditions that are coming to our country, and I trust that they will rise here and will try to pass a bill that will be for the benefit of the entire country, and not only for the Pacific coast.

This bill is said to be brought in for the interest of the laborers of this country. I have the greatest regard for labor. I try to look a little further. Our laboring men are much interested in

obtaining markets for the products and the commodities of this country. The laboring men want the markets, and we do not want Chinese competition with our labor; but they want to have more markets in which to sell our overproductions in China and other countries.

I consider that it is really in the interest of the laboring man to get the markets of China, and I know, and every man who listens to me knows, that if you will slap a country in the face and say that her people are not proper to come into this country that their educated people will not encourage trade with you. Business may be energetic and reach out, but we know that the buyer will discriminate against those who make such regulations against them, and will buy his goods elsewhere.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Certainly.

Mr. CLARK. Take this bill and make it as stringent as can be made, even by the adoption of the minority substitute, and then I say we will not treat the Chinese half as roughly as the English and Germans treat them.

Mr. KAHN. Or the Japanese.

Mr. CLARK. Or the Japanese.

Mr. KAHN. Or the Russians.

Mr. CLARK. Or the Russians.

Mr. ADAMS. I am not going to legislate for the benefit of other countries. I propose to do so for the benefit of our own, and for one I am going to encourage that better spirit which prevailed in this country to China, and I hope that we will reap the benefit of what we have already done in China in the stimulation that will be given to our trade.

Mr. CLARK. One other question.

Mr. ADAMS. Certainly.

Mr. CLARK. Do you not know that the three nations whose trade has increased with China more than others in recent years are Japan, Russia, and Germany? That Japan gave China a thrashing? Germany has gone over there and has taken a part of her territory, and Russia has taken another slice. Now, this bill, even as the substitute makes it more stringent than the other, would be a great deal more kindly toward China than those three nations that have increased their trade in China.

Mr. ADAMS. The gentleman represents, as his political party has always done, conditions that are past.

Mr. CLARK. I am talking about conditions right now.

Mr. ADAMS. They never can talk about conditions that are coming to meet us in the future. Here is the condition, and it is true it is one that appeals to the common dictates of human nature, whether it is of a Chinaman or an American, he is going to turn to the nation that treats him best. He will not go to the nation that has crushed him, and we have had evidence of that lately. I call the attention of the gentleman from Missouri to the spirit which our country has shown in the fair way which it has treated China during the war, in which we have shown such a light to the English and to Europe.

These things, Mr. Chairman, emphasize the position I am taking on this question, and I wish the House to understand that every one of these amendments offered now are to make this bill more stringent, to make it more difficult for merchants, for travelers, for teachers, and students, and commercial people, and others, who would develop trade between our country and China; every one of these amendments, the most of which were stricken out by the committee, are now gradually being put back into the bill, and I now enter my protest against it, and in doing so I do it in the interest of the whole country.

Mr. CLARK. Mr. Chairman, the contention of my friend from Pennsylvania will not hold. I was not talking about anything in the remote past—the day that is dead. I am talking about the living present, about what is going on in China right now, and what has been going on over there in recent times. The English thrashed the Chinese into trading with them. Japan gave China an awful trouncing in the last four or five years, and Japan's trade with China has increased. Germany went over there and took a good big slice of China and is constantly reaching out for more, and Germany's trade with China has increased. Russia has gone down into Manchuria temporarily, so they say, but there is no man in this House with two ideas about a Hottentot who does not know that Russia deliberately intends never to give up that country she has got hold of.

Now, if England can thrash China into trade, if the Japanese can thrash China into trade, if the Germans can thrash China into trade with them, if the Russians can despoil them and increase their trade, surely we are not going to drive away Chinese trade by the provisions in this bill. It is nonsense to talk about any such thing. The truth is, as I stated in a quotation from Senator BEVERIDGE's speech the other day, there is only one thing that the Chinese have any respect for, and that is a display of

force; and that is exactly what William of Hohenzollern is making over there now.

It is what the Russians are doing and it is what the English always have done. It is what the Japanese have done, and, as compared with these four great powers, we are treating the Chinese with a great deal of consideration, even in the minority substitute of this bill, which is a good deal tougher on them than the majority is. I am not advocating making war on China, but I am arguing that if England, Russia, Germany, and Japan have increased their trade with China by the use of the mailed hand surely we will not lose our trade with her by exclusion legislation, however vigorous.

Mr. ADAMS. Mr. Chairman, I move to strike out the last word. I was entirely right when I said that the gentleman from Missouri [Mr. CLARK] referred to past conditions. Japan did fight China, and did defeat her; but she was not allowed to reap any of the fruits of her victory. Russia, Germany, and England did come in and take away all the advantages which she would have had from that war. And what did they demand? What is known as spheres of influence over certain portions of Chinese territory.

To that extent they developed their trade along the coast in these limited spheres with China is granted. But those conditions have passed. In the war with China that has just taken place, and in which the United States for the first time took a hand and was the first to wipe out the claims of this country and the spheres of influence in China, our department has insisted that we should have an open door in every port of China, no limit of the trade of our country with that Empire.

The conditions are now changed, and I say it behooves us to do nothing to get the ill will of that country. I know whereof I speak, whether I have the brains of a Hottentot or not. I believe if some gentlemen had their brains enlarged so that they could look to the new conditions that are going to pervade, they would have a new light break upon them, and be able to judge these matters, not on the conditions of the past, but out of the conditions that are coming, and look to the future.

It is this country that is always looking to future development, and when we want to trade with another country we want no limited sphere of influence gotten by force. We want an open door of the entire country for equitable trade, for them to buy from us what they want, and for us to purchase from them what they have to sell. That is the breadth our country has gone as against the force referred to by the gentleman from Missouri.

Mr. Chairman, I again reiterate I think this provision tending to make this bill more restrictive and in some cases prohibitive, casting almost a slur on the educated classes of China, is not just, and will hamper this country in its trade with the Chinese Empire.

Mr. PERKINS. Mr. Chairman, I wish to say a word to quiet the fears of my colleague on the Committee on Foreign Affairs. If he was willing to support the bill as reported by the committee, I assure him he can without the least trouble or strain of his conscience vote for the bill with the amendments that have been made. There has not been an amendment made to the bill, nor will there be, with the exception, perhaps, of the amendment in reference to the shipping clause, that was of sufficient importance when offered by the members from California to waste the time of the House to talk about it. We have thought that we could satisfy them and that we could save the time of the House by agreeing to a large number of amendments, almost entirely verbal, that were really not essential. I assure my friend that if he liked the bill when it came from the committee and was willing to vote for it then, there is no reason why he should not vote for it after every amendment has been accepted.

Mr. COOMBS. Mr. Chairman, after consultation with the gentleman from New York I find it is agreeable to those having charge of the bill to accept the general clause to be hereafter introduced, which will cover all these points and avoid, in the meanwhile, several amendments exactly like this. Therefore, under these circumstances, with the permission of the House, I ask to withdraw the pending amendment.

The CHAIRMAN. The gentleman from California asks to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 17. That the original certificate issued under the last two sections shall be, by the said diplomatic or consular representative of the United States visiting the same, delivered to the Chinese named therein.

A sealed duplicate shall be suitably addressed and delivered to the shipmaster, railway conductor, or other person in charge of the transportation of the person to whom the original is given, whose duty it shall be promptly to deliver it to the appropriate officer of the United States at the place where entry is sought by said Chinese.

The triplicate thereof shall be immediately sent by mail to the appropriate officer of the United States at the port at which said Chinese seeks entry.

Mr. COOMBS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "that," in line 12, page 10, insert the following:

"Before any representative of the United States shall visit any certificate of the kind mentioned in the two preceding sections and before any officer of the United States shall issue any such certificate, he shall carefully examine into the facts of the particular case, and if he shall find, after inquiry, that any of the statements of the certificate are false or any of the statements the Chinese applicant seeks to have it contain are false, it shall be his duty to refuse to visit or to issue such certificate."

The amendment was agreed to.

Mr. COOMBS. I offer also the amendment I send to the desk.

The Clerk read as follows:

After the word "visiting," in line 14, page 10, insert "or the appropriate officer issuing."

The amendment was agreed to.

The Clerk read as follows:

SEC. 18. That the certificate mentioned in the preceding section shall be, when duly visited by the proper diplomatic or consular representative of the United States, or other official, prima facie evidence of the facts therein set forth, and shall be exhibited to the appropriate officer of the United States at the port where the person named therein seeks entry; and it shall be retained by him while he desires to remain in the United States or its possessions, and shall be exhibited to the proper authorities of the United States whenever lawfully demanded, and shall be the only evidence of the right of said Chinese to enter or remain in the United States or its possessions. If any of such recitals be disproved, or if any certificate be fraudulently used, forged, or altered, then the same shall be null and shall be forthwith canceled.

Mr. COOMBS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "be," in line 4, page 11, strike out "exhibited" and insert "produced."

After the word "and," in line 6, page 11, strike out "it shall be retained by him" and insert "if such entry is permitted, such certificate, properly indorsed by the appropriate officer, shall be returned to and retained by said Chinese."

After the word "be," in line 7, page 11, strike out "exhibited" and insert "produced."

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That a Chinese who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act or thereafter, shall be entitled to have issued to him by the appropriate officer a certificate containing his signature, name, personal description, residence, occupation, and place of pursuing it, together with such other matter as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe. This certificate shall be made in duplicate, and a copy shall be retained by the officer issuing the same. The original and copy shall contain the photograph of the applicant, made as required by rules of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

When any Chinese being a member of any of the classes mentioned in section 4, desires to depart from the United States intending to return thereto, he may apply to the appropriate officer in the district wherein he resides, and make under oath before said officer a full statement, in triplicate, descriptive of his profession, business, or status, and furnish to said officer such proof thereof as shall be required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury; and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number. The original and each copy of said statement shall contain the photograph of the applicant, made as required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate officer at the port whence the applicant intends to depart from the United States.

If said last-mentioned officer, after hearing the proof and investigating all the circumstances of the case, shall decide that the representations of status are true, he shall sign and give to the said applicant a certificate containing the number of the description last aforesaid, which shall be the evidence given to such person of his right to return.

If the last-named certificate be transferred it shall become void, and the person to whom it was given shall forfeit his right to reside in, or return to, the United States.

To entitle any such Chinese to readmission to the United States or its possessions he shall produce to the appropriate officer at the port of entry the return certificate in this section provided for; and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to waive the provisions of this section, and for his readmission into the United States to depend upon the prior sections of this act.

Mr. KAHN. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in lines 16 and 17, page 11, the words "or thereafter."

After the word "resides," in line 6, page 12, insert "at least one month prior to the time of his departure, such application to be accompanied by his certificate of registration."

After the word "shall," in line 1, page 13, insert "at such time and place as he may designate."

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That the lawful wife or minor children of any Chinese of the classes mentioned in section 4, actually domiciled in the United States, shall be entitled to enter therein upon exhibiting to the appropriate officer at the port of entry a certificate as follows:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person de-

parted, and shall state that after investigation said representative believes that the relationship asserted exists.

Second. If the wife or child come from an insular possession of the United States and seek entry into mainland territory thereof, the certificate shall have been issued by the appropriate officer of the United States at the port whence such person departed, and shall state that after investigation said officer believes that the relationship asserted exists.

Third. It is made the duty of diplomatic and consular representatives and other officers of the United States to make strict investigation as to such certificates, and to issue them only when the relationship claimed is clearly established.

Fourth. Said certificates shall be issued in triplicate, and each shall contain the photograph of the person named in it.

The original certificate shall be, by the person issuing it, delivered to the person named in it, or, if such person be an infant, to the person in charge of such infant.

A sealed duplicate shall be duly addressed and delivered to the shipmaster, railway conductor, or other person in charge of the transportation of the person named therein, who shall deliver it promptly to the appropriate officer of the United States at the port where entry is sought by said Chinese.

The triplicate shall be immediately sent by mail to the appropriate officer at the port where said Chinese seeks entry.

No woman shall be deemed a wife within the meaning of this act unless she would be held to be legally married by the courts of the United States.

Mr. COOMBS. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out in line 19, page 13, the words "exhibiting to" and insert "proving to the satisfaction of."

After the word "entry" in line 20, page 13, insert "That the required relationship exists and producing for him."

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That the preceding sections shall not apply to Chinese diplomatic or consular officers duly accredited to the United States or any foreign government, or to their attendants or servants.

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

Mr. KAHN. I move to amend by inserting after the word "servants," in line 6, page 15, the words, "who shall be admitted under special instructions of the Secretary of the Treasury."

The amendment was agreed to.

The Clerk read as follows:

SEC. 22. That, except as herein provided, before any Chinese is landed from any vessel on territory of the United States, or before any Chinese brought to any inland port shall be permitted to leave the car or other conveyance in which he was brought, the appropriate officer shall examine such Chinese, comparing his certificate with the lists required by this act, and with such Chinese, and no Chinese shall be allowed to land or to enter in violation of law. The examination herein required shall be made immediately after the arrival at port or border.

Mr. KAHN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "inland," line 14, page 15, insert "border."

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. That the master of any vessel arriving in the United States from any foreign port or from any insular possession of the United States shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate officer at the port in which such vessel shall have arrived a list of all Chinese taken on board his vessel at any port or place, and of all such persons then on board the vessel. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign government traveling on the business of such government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required; and such list shall be verified by the master in the manner required by law in cases of manifest of cargo.

The foregoing provision shall apply to the masters of all vessels arriving at any insular possession of the United States.

The willful neglect of any such master to comply with the provisions of this section shall be punished by the penalties and forfeiture imposed upon a refusal to report and deliver a manifest of cargo.

Mr. KAHN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "a," in line 2, page 15, insert the word "separate," so as to read "a separate list of all Chinese taken on board."

The amendment was agreed to.

The Clerk read as follows:

SEC. 25. That Chinese laborers shall enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions:

First. The applicant shall exhibit to the appropriate officer at the port where entry is sought a fully paid through ticket entitling said applicant to transportation from such port to his destination in the foreign country, and shall also exhibit to said officer a certificate as follows: (a) If the applicant come from a foreign country, a certificate issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, which shall state that after investigation said representative believed that said applicant intended to go directly to, and to reside in, the foreign country designated; (b) if the applicant come from an insular possession of the United States and seek the privilege of transit across mainland territory of the United States, or come from the United States or any of its possessions and seek the privilege of transit across any insular possession

thereof, he shall exhibit a certificate of like effect, issued to him by the appropriate officer of the United States at the port or place whence said applicant departed. It is made the duty of diplomatic and consular representatives and other officers of the United States to investigate all applications for such certificates, and to issue them only when the applications are shown to be in good faith, and to furnish such further information as may be prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit where the same is sought by laborers coming from an insular possession of the United States.

Second. Privilege of transit shall be denied if the applicant refuse to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate officer, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly to the destination named in his certificate and is not seeking to abuse the said privilege.

Third. Privilege of transit shall be denied if the applicant shall have sought admission into the United States or its possessions and shall have been refused.

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe with a view to prevent abuse of such privilege.

Fifth. The master of any vessel, the conductor of any railway train, or the person in charge of any other conveyance, bringing to any port in the United States, or on the border thereof, any applicant for privilege of transit, shall, immediately after arrival and before permitting to land, or to cross the border, any such applicant, deliver to the appropriate officer of the United States a separate list of all applicants so brought, which shall show the name of each applicant, the matter contained in the certificate he bears, and whatever else may be required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be verified by the person bound to deliver it, the oath to be administered by the officer to whom it is delivered.

Sixth. In addition to the ports of entry named in section 11 the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may designate other ports or places at which entry into the United States or its possessions for the purpose of transit may be granted. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada, no place along either of said boundaries shall be designated as a place of entry for any Chinese, whether in transit or otherwise, until there shall have been executed between the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations proposing to bring Chinese to such place, contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese under such penalties as shall be set forth in said contracts; and such place shall only remain open to entry of Chinese in transit or otherwise while such contracts remain in force and unbroken. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such place to transit privilege if in his judgment such privilege is being abused.

Mr. KAHN. I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

In line 20, page 17, strike out "exhibit" and insert in lieu thereof the word "deliver."

In line 7, page 18, strike out "exhibit" and insert "deliver."

The amendment was agreed to.

Mr. HOOKER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out section 25 and insert:

"SEC. 25. That Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, and in pursuance of the provisions of the second paragraph of article 3 of the treaty between the United States and China; and the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend, such rules and regulations as he may deem necessary and proper to prevent said privileges of transit being abused."

Mr. HOOKER. Mr. Chairman, I think that we ought to allow the treaty to be observed as it originally stood, and that the right of transit to Chinamen—not of occupancy, not of residence, but the right of transit through our country from any other civilized country in which he may live—should be granted, according to the terms of the paragraph of the treaty to which I have referred, and to clothe the Secretary of the Treasury with power to adopt all regulations which may be necessary in the estimation of the Commissioner of Immigration and the Secretary of the Treasury, approved by him; to adopt any and every regulation to prevent Chinese from occupying this country in any form whatever, even for temporary residence; but I think we ought to observe the treaty which gives them the right of transit and which proposes to allow our own railways to transport them across the continent instead of compelling them to go to the railways of Canada and to get across in that way.

It is but an act of justice, of equity, of fair dealing to allow them this privilege, and I think therefore that all these minute regulations embodied and embraced in this bill ought to be taken away and that the Secretary of the Treasury and the Commissioner of Immigration ought to be allowed to prescribe these regulations, to give them the right which the treaty does—not of occupancy even temporarily, but of transit across the country, if they wish to, and not encumber the bill with numerous regulations, now embraced in section 25. I am not able to speak much and do not desire to. I expressed my views on this bill at length in my speech

of Saturday last, and on that I stand for this amendment as well as for my general opinions as to the bill.

Mr. PERKINS. Mr. Chairman, I think I ought to say that the committee does not approve of the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 26. That every Chinese brought by vessel to any port of the United States shall be detained on such vessel until a final decision shall have been rendered as to his right to enter the United States, and every Chinese brought to an inland border port of the United States shall be detained without its territory until the final decision as to the right of such Chinese to enter, and the duty of such detention shall rest, jointly and severally respectively, on the master, owner, agent, and consignee of the vessel or on the person, corporation, or agent by whom said Chinese was transported or aided to such port: *Provided*, That Chinese may be elsewhere detained pending such final decisions, in accordance with such rules as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe.

Mr. COOMBS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 4, page 21, the words "without its territory" and insert "at such port."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 29. That every vessel whose master, owner, agent, or consignee shall knowingly violate any of the provisions of this act shall be subject to a penalty of \$2,000, and shall be forfeited to the United States unless such penalty be paid.

Mr. KAHN. I offer the following amendment.

The Clerk read as follows:

Insert in section 29, line 25, page 22, after the word "dollars," the following: "for each offense."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 30. That any person who shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese otherwise than as prescribed by this act shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

Mr. OTJEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 5, after the words "United States," insert the words "or its possessions."

Mr. PERKINS. With great respect to my colleague on the committee, I hardly think it would be proper to adopt that amendment. This is a section imposing a penalty and to make a violation of the act a felony. The amendment offered by the gentleman from Wisconsin would constitute this act a felony in all the insular possessions of the United States. We have not as yet attempted to legislate for those possessions. I do not think we desire at this time to declare these acts shall be felonies within the Philippine Islands. I trust my friend will withdraw his amendment.

Mr. OTJEN. With the consent of the committee, Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection the amendment is withdrawn.

There was no objection.

Mr. MANN. Mr. Chairman, I shall not discuss the details of this bill. I have heretofore presented to the House a number of petitions urging the passage of a suitable Chinese-exclusion act. The present Chinese-exclusion law will soon expire by limitation, and the whole question of Chinese exclusion is once more before us for determination.

Mr. Chairman, the Republican party is committed to the principle of tariff protection. We maintain that our manufacturers and laborers here ought to be protected against the cheaper labor of the old country. I believe in the protective principle of the Republican party, and for the same reasons I believe in a proper Chinese-exclusion act. I am not familiar enough with the civilization or the people of China to express well-formed ideas in regard to either, but it is very evident that the American laborer who has a family can not compete in cheapness of labor with the Chinaman. How many Chinese would come to our country if there were no exclusion law? I do not know. No one knows. Few might come. Many might come. The only safety for our civilization is to exclude the many who might come.

Mr. Chairman, civilization has girdled the globe. The oldest civilization is in China. And as civilization has moved westward from China it has changed in degree, character, and force until

now, having encircled the world, the civilization of Europe and America is forcing its way through the entrances into the Chinese Empire.

We may perhaps find that we are waking a sleeping giant, but it is impossible for us to stop. We would not if we could. We could not if we would. The impelling forces of progress are too great for our resistance. Within a few years Japan has been revived. As the sun of Western civilization has commenced to throw his morning rays on her shores, that little Empire has awakened from its long sleep and has suddenly become one of the most active and progressive nations in the world. Who can doubt that similar results will occur in China? And when China fully awakens with her hundreds of millions of people, more economical, more imitative, and more willing to work than the people of any other nation, it will cause a reawakening of all mankind and possibly a readjustment between nations and peoples. The conflict has not yet become deadly, but the skirmishes have begun. This bill is one of them. The civilization of the West and the civilization of China are in conflict.

I wonder if the hordes of China, when that nation is thoroughly awakened, will not attempt, through mere force of numbers, to overpower American civilization as the Goths and Huns and Vandals overcame the civilization of Rome. The coming conflict with China, however, will be more desperate than the one which caused the fall of Rome. The civilization of China will never amalgamate with the civilization of America. The people of China and the people of America are of two different races, which can never coalesce.

Mr. Chairman, I do not fear for the future, but wise statesmanship requires us to prepare for its possibilities. It is not only our duty to protect the labor of this country from the degrading influence and unmeasured competition which would come through open Chinese immigration, but it is also our duty to prepare for the inevitable conflict, either of commerce or war, or perhaps both, between the mighty Chinese Empire and people on one side and Western civilization on the other. We need not think that such conflict will be easy because of the experience of the past. In our dealings with China the past can be no guide to the future. The activity of a man when he is awake can not be judged by examining him in the stillness of sleep.

Whether such conflict shall be a commercial war or a naval war, it seems to me that it is the duty of this country to hold command of the Pacific Ocean.

With a shortsightedness which looks to me like blind folly, our Democratic friends on the other side of this House insist that we shall not only break down the bars of the protective tariff and thereby let into this country the products of cheap Chinese labor, but that we shall also yield control over the Philippine Islands, and thereby lose command of the Pacific Ocean.

But, Mr. Chairman, they will not succeed. We will maintain the protective tariff. We will keep control of the Philippine Islands and the Pacific Ocean. We will maintain our own home market for our people. We will keep out the cheap and degrading labor of the Chinese coolie, and yet, through the inspiring genius, the commercial acumen, the handiness of labor, through the combination of brains and brawn peculiar to our own race, and stronger in our own country than elsewhere, we will invade the other markets of the world and maintain our supremacy of commerce both at home and abroad. [Loud applause.]

The Clerk read as follows:

SEC. 31. That any Chinese found within the United States in violation of any provision of this act may be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be in the United States, it shall be the duty of said judge or commissioner to order that he be deported.

Mr. COOMBS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 20, page 30, after the words "United States," insert the following: "And by the production of a certificate required by this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 33. Whenever a Chinese shall be deported:

First. If he came from a foreign country, he shall be returned thither or to the country of which he is a subject or citizen.

Second. If he came without right to the United States mainland from its insular possessions he shall be returned thereto.

Orders of deportation shall be executed by the United States marshal of the district wherein the orders are made with all convenient dispatch, and pending such execution he shall detain in his custody the person ordered to be deported, who shall not be admitted to bail, save in cases of appeal, as hereinafter provided.

Mr. KAHN. I offer the following amendment.

The Clerk read as follows:

Insert in section 33, line 3, page 24, after the word "citizen," the following: "Provided, That in any case where a country whence said Chinese came shall demand any tax as a condition of the removal of such person to that country, he shall be sent to China."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 34. That the Philippine Commission are authorized and required to make all regulations and provisions necessary for the enforcement of this act in the Philippine Islands.

Mr. DOUGLAS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 24, line 15, after the word "enforcement," insert "of such sections and clauses as they may deem desirable and necessary."

Mr. DOUGLAS. Mr. Chairman, it does seem that there must be some of the provisions of this act which are not justified in so far as the Philippine Islands are concerned. Those islands are nearly 10,000 miles from our shores. The Chinese have been there in force for hundreds of years, and it does seem almost unnecessary, so far as the Philippine Islands are concerned, to enforce this law as we propose to make it. It seems unnecessary to make it absolutely mandatory on the Philippine Commission to do so in order to protect the United States. I believe that we could with wisdom allow these men to have some say as to the provisions of this act and as to the extent to which it shall be enforced there.

This is a new country so far as we are concerned. The best government for that country by us is as yet unknown, and its requisites and necessities are yet to be studied and considered carefully in so far as we individually as a nation are concerned in its government, and I believe and hope that the gentlemen who are pushing this measure will be sufficiently liberal at least to allow the Philippine Commission to use discretion, and not do an absolute injustice to the Chinese to the extent of excluding them from places where they have been since before this country was practically ever heard of, when Western civilization was unknown and Eastern civilization was at its height.

We are endeavoring absolutely to preclude these people from coming into those islands as much as we are from coming into this country. I am thoroughly in accord with every provision of this act which is not illiberal and illogical; but when it comes down to a simple question of pure persecution, and unnecessary persecution at that, I believe we are putting on the statute books a law which, if extended to the islands that have recently come into our possession, and which many people think should not be in our possession at all, will be doing something that is not worthy of this country, and that will react on us to such an extent that we will be heartily ashamed of ourselves within the next year or two. I therefore hope that the committee in charge of this bill will allow my amendment to become a part of the act.

Mr. KAHN. Mr. Chairman, I hope the amendment will not prevail. The committee that has had this bill in charge has given this matter a great deal of thought and attention. Governor Taft himself appeared before that committee. Our present exclusion laws and regulations are in force in the islands, as I understand it, and this provision of this bill will simply continue existing conditions in the islands, only that it will transfer the enforcement of the law from the War Department, where it now is, to the Philippine Commission.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. DOUGLAS].

The amendment was rejected.

The Clerk read as follows:

SEC. 35. That any Chinese who violates any of the provisions of this act shall be deported. The hearing in such cases shall be before a United States judge in the district wherein said Chinese is found, or before a United States commissioner designated by a United States attorney.

Mr. COOMBS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The amendment was read, as follows:

Insert in line 21, page 24, after the word "attorney," the words "of said district."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

SEC. 38. That the master of any foreign vessel which shall bring to the United States any Chinese not entitled to entry shall be required to execute a bond satisfactory to the Treasury Department, in the sum of \$2,000 for each of said Chinese, conditioned that none of such Chinese shall land from said vessel while said vessel remains within the United States. The bond shall be

canceled upon the certificate of the appropriate officer that all Chinese covered by it have departed from the United States on said vessel.

Mr. CLARK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Line 5, page 26, after the word "vessel" add the following:

"And it shall be unlawful for any vessel not foreign, that is to say, any vessel under the flag of the United States, to have or to employ in its crew any Chinese person not entitled to admission to the United States or into the particular territory of the United States to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding \$2,000."

Mr. PERKINS. Mr. Chairman, I raise a point of order. I object to this amendment on the ground that it is not germane to the bill, and I will state my views, if the Chairman desires.

The CHAIRMAN (Mr. Moody of Massachusetts). The Chair would be glad to hear the gentleman.

Mr. PERKINS. Mr. Chairman, this bill, as is shown by its title, is a bill—

To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

That is the object as stated in the caption of the bill, and that is the object sought to be secured by all the provisions of the bill which are intended to prevent the coming into the United States and its insular possessions of Chinese persons, except as allowed by law. Now, what is the amendment offered by the gentleman from Missouri? Does it prohibit the coming of a Chinese person into the United States? It no more prohibits the coming of a Chinese person into the United States than it prohibits the coming of a Chinese person into Great Britain. But it says what? It shall be unlawful for any vessel holding an American registry to have or employ in the crew any Chinese person not entitled to admission into the United States.

Now, Mr. Chairman, let me illustrate—

The CHAIRMAN. The Chair desires to state—it may not be material, but the gentleman has misquoted the language. The language is: "And it shall be unlawful on a vessel not foreign;" that is to say, any vessel under the flag of the United States.

Mr. PERKINS. That is the same thing. As it was given to me it was a vessel "holding an American register." As the amendment is submitted, "carrying the American flag," which is, of course, a vessel holding an American register. Let me illustrate here. This is a bill to prohibit the coming of Chinese into the United States. Suppose the gentleman should offer an amendment to it, and, let us say, section 25, "Be it enacted, That no American in the city of Paris shall employ a Chinese as his servant." That would not be germane to this bill. It would not be cognate to the idea. This is to prevent Chinese coming into this country.

Here is a provision which would be perfectly proper in a bill in reference to the shipping interests of the United States, and because proper there, because it would be cognate in a bill regulating the shipping of the United States, and regulating the American register of the United States, it necessarily follows that it is not germane to a bill which regulates the coming of Chinese persons into the United States. Now, this provision says what? Every ship entitled to an American register, or every ship carrying the American flag, which is the same thing, shall not employ Chinese. That ship may be sailing anywhere. It may be sailing from Alexandria to Constantinople; it may be sailing from Marseille to Gibraltar. Of course, I recognize the fact, as every man knows, that an American ship is subject to the laws of the United States, the same as an American citizen, wherever he may be, abroad or at home.

But I am confident, Mr. Chairman, that the amendment I have suggested, of an American citizen being in Paris, or anywhere else, who happens to have in his employ a Chinese servant, would not be germane to this bill; and the amendment offered by the gentleman, in the same way, is not germane to this bill, which is to prevent the coming into the United States of Chinese persons. How does that provision apply to this bill? The amendment that is offered says that no ship, whatever it may be, in the Atlantic or the Pacific, if it be making a voyage between two ports not in the United States at all, shall employ a Chinese laborer. That does not prevent, and it does not seek to prevent, and it does not purport to prevent, and it can not prevent one single Chinaman from coming into the United States. It has no more to do with that, as I said before, than it has to do with a Chinaman going into Japan or England. It is as foreign to this bill as it would be if an amendment were offered that ships having American register should be forbidden to employ Japanese or Swedes or any other class of men. It is a subject to be considered in the regulation of the American shipping, if that were before the committee, but it is thoroughly foreign to the bill we have now under consideration.

Mr. CLARK. Unless the Chair is ready to rule my way, I want to be heard.

The CHAIRMAN. The gentleman from Missouri.

Mr. CLARK. Now, my friend's objection divides itself into two parts. The first one is that the amendment is not covered by the title of the bill. By the simplest performance the title could be made to conform to the bill after it is amended. If it is necessary and the title does not cover it now, we could very easily say, "and also to prevent Chinese sailors being employed on board of American ships." That would dispose of objection No. 1.

Secondly, the gentleman says it is not germane to this bill, because the intention of the bill is to exclude Chinese laborers from the United States. The answer to that, and it is very short and very simple, is that the deck of every American ship is American territory, just as much as any foot of ground under the American flag. I want to say this, while I am up, and that is all I have to say about it. In 1812 the United States went to war with Great Britain on the cry of "free trade and sailors' rights." It was really the last half of that cry which created and precipitated the war with Great Britain in 1812—"sailors' rights;" and I say here to-day, without going into any extensive argument about it, because I argued it on Friday for all it was worth, that American laborers on board ship are just as much entitled to this protective legislation for American laborers as American laborers by land. [Applause.]

There is no use dodging what this bill is. I have always believed in being honest because I believe that honesty in the end wins. It is an abnormal condition of affairs that presents itself here, and that is that we know that American laborers can not compete with Chinese laborers, and this bill is entirely for the protection of American laborers. Now, you have protected everybody else, or pretended to, in the United States by the high-tariff system.

A MEMBER. Are you in favor of that?

Mr. CLARK. No; I am opposed to the whole system.

Mr. ADAMS. I thought the gentleman wanted to protect the American laborer.

Mr. CLARK. I do; and here is the chance to protect him without beating around the bush, and nobody else will get the benefit of it. You have protected the merchant, the manufacturers, and protected everybody else under the tariff system except the laborer, and this bill is intended to protect American labor against cheap Chinese labor. There is no sense nor justice in applying it to laborers by land and not by sea, and that is all I have to say about it.

The CHAIRMAN. The Chair would like to ask whether the amendment is confined, or is intended to be confined, to ships plying between American ports?

Mr. CLARK. Certainly.

The CHAIRMAN. And those only?

Mr. CLARK. It is intended to apply to American ships that ply between American ports, and territories, in insular possessions, or provinces, or colonies, or whatever you may call them. [Laughter.]

The CHAIRMAN. Does the gentleman give that construction to the amendment which he offers?

Mr. CLARK. Yes.

The CHAIRMAN. The Chair would like to ask whether, in the opinion of the gentleman from Missouri, an American vessel not plying between American ports—and by American ports the Chair means those not only of the United States, but those belonging to the United States—whether this prohibition would, under the amendment, exist against the employment of Chinese on such vessels—that is, vessels that did not touch at any American port?

Mr. CLARK. I think it applies to all American vessels. If the Chair pleases, the gentleman from California [Mr. KAHN] has a substitute for my amendment.

Mr. KAHN. Mr. Chairman, I offer the following substitute for the amendment of the gentleman from Missouri, which I send to the desk.

The CHAIRMAN. That would not be in order now, but for the information of the committee it may be read.

Mr. KAHN. The gentleman from Missouri is willing to accept it as a substitute.

The CHAIRMAN. Does the gentleman from Missouri withdraw his amendment?

Mr. CLARK. Yes, Mr. Chairman, I am willing for this to be accepted as a substitute for my amendment.

The CHAIRMAN. The gentleman from Missouri, without objection, withdraws his amendment, and the Chair hears no objection.

The Clerk read as follows:

Page 26, line 5, after the word "vessel," insert the following:

"And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000."

"But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge."

Mr. PERKINS. Mr. Chairman, I raise the same point of order as on the amendment offered by the gentleman from Missouri. I desire to call the Chairman's attention to the fact, in answer to the questions put to the gentleman from Missouri, that whatever may be the intention of any person offering this amendment, there can be no question as to what it says. It is general, Mr. Chairman; it says it shall be unlawful—that is, unlawful anywhere—for any vessel with an American register to have or employ or in its care any Chinese person not entitled to admission to the United States. It says that and no more, and there is nothing to modify it. It is unlawful for any vessel plying anywhere with an American register.

Mr. GILLET of Massachusetts. In regard to the question asked by the chairman of the gentleman from Missouri, allow me to remark that if he wishes his amendment to apply simply to American vessels in American ports he should modify it, so as to have it apply to vessels in the domestic trade. Possibly that is what he means.

Mr. GARDNER of New Jersey. Is it not presumable that all vessels of American registry touch American ports sooner or later? The voyage may be short or may be long, but they are presumed to touch at the home port.

Mr. GILLET of Massachusetts. That might not be.

Mr. GARDNER of New Jersey. Mr. Chairman, whatever may be the title of this bill, and whatever the nationality to which, as drawn, it may specifically apply, is it not true that it is legislation upon the general immigration system of the country? If the bill now before the House, called "the Chinese-exclusion act," is not a bill essentially to regulate immigration, what is it? There is practically no doubt that the United States has full jurisdiction over the question of immigration. It seems to me there can be no question that anything bearing directly upon the general system of immigration is in order on a bill dealing with the subject of immigration, though only dealing with a branch of it.

Now, for the purposes of legal regulation, criminal and civil, the deck of a vessel carrying a United States license and sailing under a United States flag is as much territory of the United States as is the District of Columbia. Where can she sail, where can she be, that in case of abuse of the crew or the commission of a felony or other similar occurrence the court of the United States will not hold that the vessel is to be regarded as a part of American territory?

Now, if this be a bill for the regulation of immigration, and if a vessel bearing the license and carrying the flag of this country is a part of the United States territory, then a provision regulating immigration—the coming of Chinese or other people on board of a United States vessel anywhere in the world—is germane to this bill; and it is equally germane to regulate the employment of such persons upon that vessel, wherever she may be, as much as though she were a part of the fixed territory of the country.

The illustration given here in regard to the employment of servants in Paris has no application whatever, because that city is not and never will be under the jurisdiction or the flag of the United States.

Mr. GROW. Mr. Chairman, just a word on this question. Admitting that the deck of an American ship is American territory, there is nothing in this bill, if I understand it, regulating the employment of Chinese by Americans. This amendment proposes to say that a Chinese shall not be employed by an American on the deck of a ship. That has nothing to do with the other provisions of the bill. We might just as well undertake to prohibit the employment of Frenchmen on a ship. That seems to me to be the whole question. The proposition is not to exclude people from coming upon an American ship—to exclude them from coming upon the deck of one of our vessels as immigrants; it has nothing to do with the employment by Americans of anybody. Therefore it is entirely foreign to this bill.

The CHAIRMAN. The Chair is ready to rule with considerable hesitation upon this question. There is no question as to the rule which governs the point now raised by the gentleman from New York. The statement of Rule XVI is in these words:

No motion or proposition on a subject different from that under consideration shall be admitted under cover of an amendment.

However simple the rule may be, its application to the varying states of fact which are brought before this body is not easy, because it is not always easy to decide what is the subject under consideration. In this case it is by the title of the bill said to be a proposition "to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under their jurisdiction, and the District of Columbia of Chinese and persons of Chinese descent."

The title of a bill is unimportant, except so far as it correctly describes the bill itself. The Chair has examined this bill with a good deal of care, and has caused it to be examined by another person with a good deal of care. In point of fact, there is no provision in the bill except a provision looking to the exclusion of Chinese from our territory. There is no provision regulating the employment of Chinese within our territory, as the gentleman from Pennsylvania [Mr. GROW] has just now so forcibly pointed out. Whatever the motive may be behind the bill, whatever the reason for its enactment may be, the actual subject under consideration is the exclusion of Chinese from American territory.

It is said that the deck of an American ship is American territory. So it is, while that ship is upon the high seas. When it is in the port of a foreign country it is not American territory unless the ship be a public ship of war. Such, if the Chair understands correctly, is the rule of international law.

But the amendment offered by the gentleman from California is not to prohibit Chinese from coming upon the ships sailing under the American flag, but is to prohibit their employment under the American flag, a subject entirely different from that under consideration by the committee. Could it be in order, for instance, upon an immigration bill excluding certain classes of people from coming to these shores, to provide that our ambassadors abroad should not employ persons of that same description? It would hardly be contended that that would be in order.

The attention of the Chair has been called to a ruling made by Mr. Speaker Reed on the 19th of May, 1896, where a bill to amend the immigration laws of the United States was before the House, and it was proposed by that bill to exclude all male persons between 16 and 60 years of age "who can not both read and write the English language or some other language." Mr. CORLISS, of Michigan, offered an amendment excluding aliens living in another country and while so living there entering into the United States to engage in labor within its borders—what the Chair remembers the gentleman from Michigan termed "birds of passage."

A point of order was made against the amendment, and Mr. Speaker Reed sustained the point of order upon the ground that the amendment was not germane, although both the bill and the amendment had in view the protection of American labor. The Chair will say that if this amendment had proposed to prohibit the presence as employees of Chinese persons upon American ships touching American ports, where there would be an opportunity for escape from the ship from time to time, the Chair would have ruled that to be germane to the general purpose of the bill, which is to prohibit the entering of Chinese persons into American territory; but for the reasons that were so well stated by the gentleman from Pennsylvania [Mr. GROW], that this bill is not engaged in the regulating of the employment of labor, but in excluding persons of Chinese blood and descent from our territories, the Chair sustains the point of order.

Mr. KAHN. May I ask, Mr. Chairman, that the section be passed in order that I may amend my amendment to meet with the views of the Chair.

The CHAIRMAN. The gentleman from California asks unanimous consent that the section be passed. Is there objection?

Mr. HOOKER. In order that he may evade the ruling of the Chair? Mr. Chairman, I object, if that is the purpose.

The CHAIRMAN. Objection is made.

Mr. KAHN. Then I offer the following amendment:

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register, touching at an American port, to have or to employ in its crew any Chinese, etc.

Mr. PERKINS. Mr. Chairman, I raise the point of order to this amendment, and I submit it in no way changes the character of the prior amendment. The gentleman's amendment endeavors to do what? He says it shall be unlawful for any vessel to employ in its crew any Chinese person. That is as already ruled by the Chair and, as was suggested by the gentleman from Pennsylvania, a regulation of the employment of labor. He has merely added in describing this vessel, a vessel touching at an American port. Of course every vessel holding an American registry touches at an American port, but it does not in any way, as I submit, meet the ruling which has already been made by the Chair.

Mr. KAHN. Mr. Chairman, I ask leave to modify the amendment so that it shall read "at a voyage terminating at an American port."

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register on a voyage terminating at an American port to have or to employ, etc.

Mr. PERKINS. Mr. Chairman, I submit it does not change it at all. It still regulates the employment of Chinese.

Mr. COOMBS. Mr. Chairman, I would like to add a simple suggestion to what has already been said.

The CHAIRMAN. The Chair will be glad to hear the gentleman from California.

Mr. COOMBS. Mr. Chairman, anticipating, of course, that the Chair is ruling now upon a different proposition, this bill provides in section 1 that from and after its passage the coming, except under the conditions hereinafter specified, of Chinese laborers from any country shall be prohibited. It has been suggested in a remark to the chairman that when a vessel once pushes into port she loses that character which in fiction of law is attributed to her and which brings her exclusively within the jurisdiction of the Federal Government by reason of being an American bottom.

When she comes into port she comes within the jurisdiction of the sovereign State. She comes within the jurisdiction of the particular county whose borders describe the waters whereon she sails. Hence, essentially and technically, when she plies from one port to another of the United States, the moment she comes within the waters of a State she is upon American territory. She is within the State, she is within the confines of the United States, and those upon her come within all of the exclusive clauses of this bill.

The only mistake which we have made heretofore in considering this matter is this: Those who have objected to this particular amendment have said it was an attempt on the part of the Government to regulate the conduct of individuals in the employment of individuals. That is too narrow and restricted a construction. It is an attempt rather on the part of the Government of the United States to regulate, as this bill proposes to regulate, those who can come within the confines of the United States and within the confines of the State, and of course within the jurisdiction of the law which we here are proposing to enact.

The CHAIRMAN. As the Chair has stated, this bill is to prohibit the entrance of Chinese laborers into the United States. Seamen are laborers within the distinctions made in this bill, and the amendment now before the committee proposes to prohibit the coming of such laborers into an American port. It is based upon the theory that great safeguards are needed to carry out the purpose of the law. The bill is full of provisions which are intended to guard against evasions of the law. For instance, upon page 10 of the bill it is provided that even the Chinese who are entitled under this bill to enter our ports can only come in at certain named ports of entry. In other words, the regulation of American ships or foreign ships bearing Chinese to our shores is prescribed by this bill. The Chair thinks, therefore, that, with the modifications which have been made in the amendment, it is clearly in order and overrules the point of order. The question is upon agreeing to the amendment.

Mr. HITT. Mr. Chairman, will the Clerk read that part of the amendment which has been modified, which is the question before the committee?

The CHAIRMAN. The Clerk will report the first paragraph of the amendment.

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register, on a voyage terminating at an American port, to have or to employ in its crew any Chinese person, etc.

Mr. HITT. Go on and read the penalty.

The Clerk read as follows:

Not entitled to admission into the United States or into the portion of the territory of the United States to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

Mr. HITT. Now, Mr. Chairman, that is the essence of the amendment. The gentleman who first offered it said it was for the protection of American labor on ships, or for the protection of American seamen. The Chinese would be employed, if anywhere, upon vessels sailing the Pacific Ocean. We had testimony before our committee, and it is the abundant knowledge of all who are familiar with the subject, that scarce one in twenty of the persons employed upon ships sailing the Pacific Ocean is a native American. There is very little encouragement in any such provision to the noble American boy whom we wish to encourage.

I am a protectionist, but this protection attempted to be enforced upon the high seas, where men must carry on their business in competition with all the world and without any restrictions upon rivals, is protection gone to such an exaggeration and perversion that it almost amounts to insanity. It is not protec-

tion to nourish, but to destroy, American shipping. What would be the result? Ships sailing that sea have to run in competition with others of all nations. I am informed there are three steamers upon that ocean now flying the American flag. There are more than fifty steamers in competition with them flying the other different flags of the world and employing any labor they please or can. They depend for existence upon what they receive for freight and passengers—for the work done.

You propose by this amendment to exclude those who are under the American flag from purchasing labor in the market on the same terms as other ships who are their rivals. Remember, they do not now employ American labor. They can not. There are no American sailors now in the world in surplus above the market demand. There is a minority of American-born sailors upon ships that run right out of those very New England towns which were long the nursery of American seamen. If anyone will read the reports of our consuls at the Mediterranean ports it will be plain, from the names of those relieved, that the men employed on American ships east of the United States are not Americans born, except an inconsiderable part; and when you reach the oriental seas, and that torrid zone, an American-born sailor becomes still rarer.

Now, you propose to compel an American merchant whose money is put into a ship and who is trying to press trade forward, for his own profit, of course, to enlarge American commerce—you compel him in employing labor to pass by Chinese, if that is most advantageous, and to hire Malays, Lascars, Portuguese, Japanese, and all that miscellany found in the ports of the Eastern world. You can get Americans for clerks and engineers and foremen on these boats. You can get them for skilled labor. But you do not find an American in the sweat and heat and suffocation of those parts of the ship where Chinamen are employed. Now, the result would be—

Mr. METCALF. Do you not find them on the transports?

Mr. HITT. There are Americans on board, as I have said.

Mr. METCALF. You find them in the engine room and in the stoke room?

Mr. HITT. The engineers have to be Americans.

Mr. METCALF. You find firemen also who are?

Mr. HITT. They were not on those ships I saw there myself. Those that operated in the great heat were not Americans. Owners or agents and representatives of these ships appeared before the committee, and they told us they had a plain path before them. If they were compelled to hire men at \$30 a month to take the place of Chinese getting from \$7 to \$8 a month, they simply would have to change the flag and sail under a foreign flag. Strangely enough this destructive proposition for our shipping is made to a House that is soon to consider the ship-subsidy bill to encourage shipping. First strike a blow to drive them to a foreign flag, and then propose a subsidy.

Why, it is, Mr. Chairman, simply our duty to at least let them alone. If you do not pass the subsidy bill you should spare them this useless restriction. Do not prevent them from doing what they can; and when they must hire foreign labor to compete with foreign ships in the carrying trade between Yokohama and Hongkong and over to Manila, why force them to forego the cheaper labor of the place when this interference is of no benefit to our people?

Mr. ALEXANDER. Will the gentleman allow me to ask him a question?

Mr. HITT. Certainly.

Mr. ALEXANDER. I would like to ask the gentleman from Illinois if there is any evidence before his committee that the Chinamen now employed upon our vessels escape or give us any trouble, or if it is found that under the regulations and laws that we now have they remain on their vessels when they land until the vessel goes out again?

Mr. HITT. If there was any such danger of escape a provision of this bill would prevent them from coming into our country. All the testimony that we have showed that they were laborious and docile. The only complaints that I have heard was that in times of great and terrible stress that they had not the courage of the Saxon, but they are industrious and obedient.

Mr. ALEXANDER. But my question is: Is there any evidence before your committee that the present law or the present regulations is not entirely satisfactory to all concerned?

Mr. HITT. None at all. We have no evidence of anybody being dissatisfied. Some persons who appeared before the committee advocated this upon the ground that it would be extending protection. This, of course, at first warmed up the heart of a Republican member, who liked to hear of protection to the American boy, who was to be employed on the American ship. But the slightest examination showed that it was not likely to protect American labor, but extinguish American shipping.

Mr. CLARK. Mr. Chairman, I am perfectly aware that these steamship companies, appealing to the American people, say that if this section is put into this bill, they will go under the

British flag. I do not believe there is a word of truth in that, and I will state my reasons. Our ships sailing under the American flag have the benefit of the coastwise trade to Hawaii, Porto Rico, and all our other ports, and it is very profitable—constantly and rapidly growing more so. The American steamship lines are never going to give up that trade by going under the British flag.

One reason that they want Chinese sailors is that when they come to our ports the Chinese sailors are not allowed to land. They are kept on board the ship. None of the Chinese come off and go on a spree. If one of them does get off, the entire police system of the Treasury Department is at the service of the ship to run down their Chinese sailor, collar him, and drag him back on board ship. Now, that is one reason that they give that they will go under the British flag. The other one, that American sailors can not stand the work in the heat and in the hot climate, is proved by all the evidence in this volume of evidence taken before the Senate committee not to be tenable. And I repeat the statement that I made a while ago, that the American sailor is just as much entitled to this protection as the American land laborer.

I want to make another remark, Mr. Chairman, while I am at it. If this legislation is not entirely germane to this bill, there is a bill coming over here before long, if it has not already come, that it will be germane to, and I serve notice now to all concerned that if this section does not go into this bill it will go into the ship-subsidy bill, if that bill comes before this House.

Mr. HITT. That is the proper place.

Mr. CLARK. I know; but "this is the day of salvation, and now is the accepted time." [Laughter and applause.]

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

REPEAL OF WAR-REVENUE TAXES.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, and I ask that the statement be read instead of the report.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, calls up the conference report on the war-revenue tax bill, and asks that the statement be read and that the report be not read. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments 12 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 18, and agree to the same.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.
NELSON W. ALDRICH,
W. B. ALLISON,
G. G. VEST,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

Statement of the managers on the part of the House of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10530, "To repeal war-revenue taxation, and for other purposes."

The managers on the part of the House state for the information of the House that the Senate receded from its amendments numbered 12 and 19. No. 12 was the only substantial amendment made by the Senate, which sought to retain the tax on so-called bucket shops. And the House has receded from its disagreement to the amendments of the Senate which changed the phraseology of the bill, but made no material change in its provisions.

The bill, therefore, as presented by the conference, is substantially in form and is in effect the same bill as it passed the House by a unanimous vote.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.

Mr. RICHARDSON of Tennessee. Does the gentleman from New York wish to occupy any time at all?

Mr. PAYNE. No. Does the gentleman from Tennessee want any time?

Mr. RICHARDSON of Tennessee. I want a few minutes.

Mr. PAYNE. I hope the gentleman will be brief, as I promised the gentleman from Illinois, chairman of the Committee on Foreign Affairs, that we would not take up much time.

Mr. RICHARDSON of Tennessee. There is no gentleman on this side of the House that has asked for time in the matter, and I do not propose to occupy but a few moments myself.

Mr. PAYNE. How many minutes does the gentleman want?

Mr. RICHARDSON of Tennessee. Not over five minutes.

Mr. PAYNE. I will yield five minutes to the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to say that, representing the minority of the conferees, I declined to sign the conference report. This is a bill which repeals the last vestige of taxes enacted for the purpose of conducting the Spanish-American war, to raise revenue for that purpose. Some weeks ago the bill was reported from the Committee on Ways and Means, a unanimous report, recommending the passage of the bill and the repeal of all of these taxes. In the views of the minority, duly submitted at that time, we took the position that as a whole we would vote for the bill.

We did not think it wise to repeal all of the war taxes that had been enacted when the Spanish war broke out; we did not think it was just to the people to repeal all of the taxes that were provided in that revenue bill, some of which were not burdensome, and leave other taxes upon the necessities of life. In other words, we thought there should be such a revision of the tax laws as would leave the taxes upon some of the articles that were taxed in the war-revenue act and which were not taxed before its passage, and take the tax off some of the necessities of life upon which they are now left by the Republican tariff. But when the bill was presented as a whole we felt constrained to give it our support; and so, upon a yea-and-nay vote, this bill passed the House unanimously and without debate, as will be remembered.

When the bill went to the Senate the Senate amended it in a number of instances, immaterial the most of them, but they did provide that the taxes which the war-revenue act had placed upon transactions which took place in what is called "bucket shops" should still remain taxed. With that material amendment they passed the bill repealing the taxes. The House refused to agree to the Senate amendment, and conferees were appointed. After a full and free conference the Senate has receded from that amendment. If the conference report is adopted the bill passes, and the tax is taken off of bucket shops, as well as all other war taxes.

For myself, I am still of the opinion that there should be such a revision of the tax laws as would leave some of the taxes imposed by the war-revenue act upon the articles taxed in that act and which should be taken off from articles of prime necessity to the people. But it seems that it is impossible to have such legislation in this Congress. It certainly is impossible to do it by defeating this conference report, and thus defeating this bill. Therefore, while I could not bring myself to sign the conference report, and recommend that this tax be taken off of "bucket shops," yet I can not oppose the adoption of the conference report, because to defeat the conference report would mean to leave the war-revenue taxes existing upon the country.

I do not think the members of our party can vote to leave the war-revenue taxes on any longer, and if we vote down the report it defeats the law. With this explanation and my explanation as to why I refused to sign the conference report, I am content that the report should be adopted and that the bill should be passed.

Mr. PAYNE. Mr. Speaker, this provision was agreed upon because we did not believe in taxing the small fellows and letting the larger ones go scot-free, and because we were anxious to wipe out the last vestige of the war-revenue taxes. We promised the people that when the necessity had gone by we would repeal these taxes. That time has come, and by sustaining this report we wipe out every vestige of those taxes, and I ask for a vote.

The question was taken; and the conference report was agreed to. On motion of Mr. PAYNE, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

CHINESE EXCLUSION.

Mr. HITT. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the Chinese-exclusion bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair.

Mr. HITT. Mr. Chairman, when the committee rose the amendment under consideration was one in relation to the employment of Chinese on ships upon the high seas. The question is so perfectly simple that I will not detain the committee further with remarks upon it. I ask for a vote.

Mr. CANNON. I want to say only a word upon this amendment. There is no man in this House who, from the inception of

Chinese-exclusion legislation, has voted for it more uniformly than I have. I am not going into the reasons for such legislation; they are patent to everybody. There is now no division of sentiment on this question. In the beginning there was a very decided division of sentiment.

I doubt, however, Mr. Chairman, the wisdom of this amendment; and very briefly I will state my reasons. Within the borders of the United States we are supreme. The Republican party, since it came into power, has consistently followed along the line of protection of American labor, the development and diversification of American industries, until we are now, as we are proud to say, the first nation on earth, not only in agriculture but in manufactures as well. Within our borders we are supreme; and within our borders it is safe to say labor receives, as compared with the wages paid elsewhere in the world, 1½ as compared with 1.

Now, when we get outside of our own territory, upon the high seas, and engage in commerce with other nations, we are not supreme. We there come into competition with all the balance of the world. If the English ship, or the German ship, or the Japanese ship will take our products and carry them from our ports to the markets of the world for a less sum than we can hire our own ships to do it, the transportation goes in foreign bottoms.

Now, what is the fact? It costs something more to build ships in the United States than it does elsewhere. But from our extraordinary developments in iron and steel that cost has been largely minimized in the United States; and I am under the impression that in shipbuilding for our coastwise trade and for our foreign trade we can, with our invention and industry, make ships very nearly as cheaply as they can be made elsewhere.

But when one of our vessels hoists the American flag and starts upon its journey to Europe or to Asia—when it ships its crew, labor being compensated in the United States, as I have stated, at a higher rate than labor abroad—the wages of American sailors and officers upon our ships, when we can get those sailors, are 50 to 100 per cent higher than the wages paid upon foreign ships for similar services, the result is that our merchant marine in the foreign trade hardly exists.

Now, what is the remedy? Many people believe the remedy is Government aid—subsidy. I have always doubted whether there is any remedy while the present condition remains, because we can not protect our labor upon the high seas in competition with the labor of other countries that is just as effective, but receives only half as much. And I undertake to say that any grant from the Treasury of the United States to aid American ships will not be efficient unless that grant is permanently enough, first, to equal the subsidy that foreign governments pay, and, second, to make up the difference between the wage that the foreign seaman gets from a foreign ship and the wage that the seaman gets upon the American ship.

Now, gentlemen upon the other side of the House are in the main against Government aid to the domestic shipping. Many of us on this side have doubted the wisdom of that policy. The result is, however, that with this condition it is said our merchant marine is swept from the seas. That is very largely true, so far as the merchant marine is concerned.

We have, however, a few ships on the Atlantic coast and in our European trade. But if I recollect aright, in our commerce from here to Europe there are less than 20 per cent of American-born seamen upon our ships. The balance are foreign born; most of them foreign subjects.

On the Pacific coast, as my colleague [Mr. HITT], who is better informed than I am tells me, the percentage of American seamen on American ships is almost nil. Now, what is the proposition? We have a few—some very large—steamers lately built in American shipyards by American labor; others are under contract. They can live with great difficulty now and are knocking at our door for subsidy grants from the Treasury which, if I should enter the domain of prophecy, I should say are not yet in sight. But we can discuss that question when we come to it.

But even crippled and few in number as those American-built ships are, the proposition is to go further and say by this amendment: "The English ship, the German ship that plies between Asiatic ports and the United States, carrying the products of the respective countries back and forth, may employ Chinese seamen, but the American-built ships shall not employ Chinese seamen." The result is that our ships can not compete in the same trade with the foreign-built and foreign-manned ships, and the American ship goes out of business or hoists a foreign flag and then is upon all fours with the foreign ship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Only one word in conclusion. So that if this amendment be enacted the result in my opinion is that even the few ships we now have in the foreign trade on the Pacific go un-

der foreign flags and no more will be built to go under the American flag.

"Ha! ha!" cries the gentleman from Missouri [Mr. CLARK], "I am protecting the American sailor." Are you? No; in the first place, because the American sailor is not there to be protected, and second, while you profess to be protecting the American sailor you say to the American mechanic in our own shipyards, "You never shall build another ship to go into the Pacific foreign trade." [Applause.]

Mr. HOOKER. Mr. Chairman, I desire to say a word on this amendment. Its object was expressed in the original bill introduced by the gentleman from California [Mr. KAHN] excluding the employment of all Chinese sailors on our vessels in the Orient. We considered that matter with great care and with great deliberation. We took the testimony of sailors; we took the testimony of the men who built the ships and who run them now. We took all the evidence that was offered on the subject, and the deliberate judgment of the majority of the committee was to strike out that provision of the bill which is now sought to be reintroduced by the gentleman from California.

They have appealed to the American Congress in former years and now to protect California from the introduction of the Chinese cooly, and we have always done so. We did it in the last treaty. We propose to do it now, completely and entirely. The gentlemen from California [Mr. COOMBS and Mr. KAHN] have introduced into the bill amendment after amendment whose function and object was to make it more stringent or, to use their own emphatic word, more drastic, or, I might say, more inhuman.

They introduced these amendments for that purpose, and they have had them adopted one after another, almost sub silentio, and now they propose to reverse the action of your committee, which, by a large majority, introduced this bill, allowing your ships in the Orient to do what other ships do in carrying on the trade between the Orient and the East—to employ Chinese sailors. Why? Not, as my honorable friend from Missouri [Mr. CLARK] says, to protect American seamen, for there are no American seamen.

Everybody concedes—the gentlemen from California and everywhere else who are familiar with this subject concede—that the Chinese can be employed so much cheaper, that the Germans employ them, that the English, the Japanese, and all the nations of the world employ them; and now you propose to exclude Chinese from American boats, denying to the vessels built by your own capital, constructed by your own mechanics, and put into this great trade, you propose to deny to them the right which the vessels of every other nation have. It is said by my honorable friend from Missouri [Mr. CLARK] that there is no danger that they will adopt the English flag or the German flag or the Italian flag.

But there is, Mr. Chairman, absolutely an unquestioned danger that they will have to go out of the trade, absolutely go out of the trade. Do you want to protect American industry, American seamen, and American labor by driving your own American ships out of the competition? Are the gentlemen from California willing to so far jeopardize American labor and jeopardize American ship-owning interests as to say that in order to exclude the cooly they will deny the right to our vessels to employ the Chinese laborers as all other vessels employ them? This is not right; this is not just. We should allow the vessels engaged in this trade, carrying the American flag and protecting the American deck, to get their sailors as cheap as vessels of other countries, or you will drive them from the enterprise in which they are engaged.

Are you willing to do that? Is that patriotic, is that sensible, is that according to the true idea of protecting the American labor? I am a good deal like my distinguished friend from Illinois. I do not mean the chairman of the Committee on Foreign Affairs [Mr. HITT], distinguished as he is, but I mean his distinguished colleague from Illinois, who is the chairman of the Appropriations Committee [Mr. CANNON]. I want to say to my honorable friend from Illinois [Mr. CANNON] that I agree with him that you can not protect the American sailor, you can not protect the American labor, by subsidies dragged out of the tax box of the people, the Treasury of the United States, and I am in hopes when that other measure comes up that we shall have the gentleman from Illinois with us in opposition to that nefarious bill.

Mr. PERKINS. Mr. Chairman, it is now very late, and it is important that this bill should be disposed of before the adjournment. This question has been fully discussed alike in the general debate and under the five-minute rule. I therefore move that debate on this section and amendments be closed.

The CHAIRMAN. The question is on the motion of the gentleman from New York, that debate upon the pending amendment and section be closed.

The motion was agreed to.

The CHAIRMAN. The motion now is on agreeing to the amendment offered by the gentleman from California.

The question was taken; and on a division (called for by Mr. KAHN) there were—ayes 77, noes 72.

Mr. HITT. I ask for tellers, Mr. Chairman.

Tellers were accordingly ordered; and the Chairman appointed Mr. HITT and Mr. KAHN.

The committee divided; and the tellers reported—ayes 100, noes 74.

Accordingly the amendment was agreed to.

Mr. ADAMS. I give notice that I shall demand the yeas and nays in the House on that amendment.

The CHAIRMAN. That will be in order. Of course the gentleman has the right.

The Clerk read as follows:

SEC. 42. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any rules and regulations by him deemed needful to an efficient execution of this act.

The Secretary of the Treasury shall make all needful appointments and the Commissioner-General of Immigration shall make all needful designations to secure the execution of this act.

All officers appointed or designated to enforce the provisions of this act are empowered to administer oaths touching the right of any Chinese to enter, pass through, or remain in the United States.

Mr. COOMBS. Mr. Chairman I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 22, page 26, after the word "regulations," the following: "providing additional requirements concerning the contents of the several characters of certificates mentioned in this act, and shall otherwise make and enforce all rules and regulations."

Mr. PERKINS. I ask that the Clerk report that amendment again.

The CHAIRMAN. Without objection, the amendment will be again reported, and the committee will be in order.

The amendment was again read.

Mr. PERKINS. We have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 43. That when the appropriate officer at the port of arrival of any Chinese shall pass upon the application of such person for the right of entry or reentry into or of transit through the United States his decision shall be final: *Provided*, That said Chinese, and also any officer of the Treasury Department, may appeal from said decision to the Secretary of the Treasury. Such appeal must be filed with the officer making the decision appealed from within five days after the making of such decision.

Where the applicant for entry or transit shall base his claim solely on alleged citizenship of the United States he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and a hearing shall be had as on a writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district as in deportation cases.

Mr. KAHN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out, in section 43, in line 9, page 27, the words "the right of."

Also, in line 25, page 27, after the word "cases," insert the following: "And if the decision be adverse to such claimant, he shall be returned as provided in section 27."

The CHAIRMAN. Without objection, the amendments proposed by the gentleman from California will be considered as agreed to.

There was no objection.

The CHAIRMAN. At this point the Chair desires to call the attention of the committee to the fact that the amendment offered by the gentleman from California [Mr. COOMBS] to line 12, page 10, inadvertently contained the word "after" instead of the word "before" in the designation of the place where the amendment was intended to be made. Without objection, the error will be corrected.

There was no objection.

The Clerk read as follows:

SEC. 48. That the term "Chinese" as used in this act includes all persons who are Chinese either by birth or descent.

Mr. CLARK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "descent," at the end of line 12, page 29, insert the following words:

"And as well those of mixed blood as those of the full blood, as well males as females; and wherever herein personal pronouns are used the masculine includes the feminine."

Mr. PERKINS. I hope that amendment will not prevail. This section was reported out in the shape which it now is by a committee of which my friend from Missouri [Mr. CLARK] was a member, and he found no fault with it then. The addition of the final words is pure surplusage, and the opinion of the committee was, as my friend from Missouri will remember, that the best wording was the general wording, to exclude all those who are Chinese either by birth or by descent, well-known legal terms; whereas the terms used by the gentleman from Missouri, in my judgment, will lead only to confusion. I trust the Committee of the Whole will be of the same opinion as were the committee that revised this section.

Mr. CLARK. Mr. Chairman, I will confess very frankly that at one time I thought the language used by the majority of the committee was sufficient; but when you take into consideration the fact that if you leave out this phrase about the mixed blood every Chinese who wants to get into the United States will claim that he has another strain of blood in him, and you will never be able to find out the truth. I am in favor of fixing it so there can be no doubt about it, and that is what this amendment will do exactly.

The question being taken on the amendment, the Chairman announced that the yeas appeared to have it.

On a division (demanded by Mr. CLARK) there were—ayes 74, noes 70.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 50. That nothing in the provisions of this act shall be construed so as to prevent the admission of Chinese into the United States for the purpose of participating in any fair or exposition authorized by act of Congress, subject to such regulations as may be prescribed by the Secretary of the Treasury.

Mr. MONDELL. Mr. Chairman, at the beginning of this session of Congress I introduced a bill for the extension of the Chinese-exclusion laws. I congratulate the committee on the result of its labors in molding from the various bills presented for its consideration the measure now presented for the consideration of the House.

It has ever been the pride of the Republic that the immigrant seeking here a home and an asylum has found our outer gates swinging inward and a hospitable welcome on his arrival. All that we have or should require of him is that he shall be honest, physically capable of caring for himself, morally and mentally healthy, sincerely desirous of becoming, in spirit as well as in fact, one of us; that he should be intelligent enough to understand and appreciate and be heartily in sympathy with our ideas of government and willing to assume the responsibilities of American citizenship.

It is true that many have come to our shores in the past who have not fully measured up to this standard of fitness, but the major portion of the millions of immigrants who have come to us from Europe have measurably fulfilled these requirements and in the course of time have become of our most valuable citizens—honest, industrious, intelligent, Americans in spirit as well as in name, who have assisted nobly in the upbuilding and development of this great nation.

But, Mr. Chairman, there are races the members of which seem to be utterly lacking in those elements which are essential to citizenship in a country like ours, whose traits and characteristics, fixed by long centuries of isolation and nonintercourse with the outer world, have developed a race of men who, whatever their virtues may be, are certainly lacking in many of those which characterize all of the races which have progressed along the lines of civil and religious liberty and free government.

This is peculiarly and especially true of the Chinese, whose continued and more complete exclusion from our shores we expect to provide for by the measure now before the House. The Chinaman in America is forever and always an alien. For the most part he does not attempt to be or to appear to be anything else, and when he does the veneer of Americanism is so thin as to disclose the Tartar at the slightest touch. It is safe to say that no Chinaman ever landed on our shores who fulfilled the conditions I have suggested as requisite in a useful immigrant. None ever landed, in my opinion, nor would there be likely to any land if allowed so to do, with any other purpose than to accumulate a competency with which to return to his native country to pass the evening of his day. Now, this may be praiseworthy in him from a Chinese standpoint, but from an American standpoint it stamps him as a class highly undesirable.

Not only does the Chinaman land on our shores without the slightest thought or expectation of adopting our views or of conforming to our methods, but he comes with habits fixed and inflexible, with racial characteristics and racial vices which render him unfit for American citizenship even if he desired it. His extreme frugality and untiring industry, his self-denial of many

of those things which we consider necessities, while in the abstract they might not be considered in the nature of serious faults, render him such a dangerous rival of our citizens in the lines of industry which he undertakes as to disturb our entire industrial system where he is present in any considerable numbers, with an inevitable tendency toward breaking down and lowering American standards of living and our ideals of the duties, responsibilities, and possibilities of life outside, beyond, and above the mere drudgery of existence.

So it seems to me, whatever view you take of the Chinese as an immigrant, his presence must be considered undesirable and a menace to our institutions. He does not wish or desire to come here to become an American, to adopt our ideas, to learn of our institutions, and to assist in upholding and developing them, therefore he should be denied admittance; and if by chance he should so desire he should still be excluded, for his racial instincts, tendencies, and disposition are such that he must of necessity be forever a disturbing element in our social and industrial economy.

I congratulate the committee upon the result of its labors, for I believe they have drafted a bill which will more effectually exclude the Chinese than the present law, and this is a consummation greatly to be desired.

Not only should American labor be protected from a general inroad of these people, but no additions whatever should be allowed to their numbers. No American workingman should be compelled to seek employment in competition with them, for he can not successfully compete with them without adopting their methods of life, and God forbid that any American should be brought to the low standards of living of the Chinese cooly.

I am heartily in favor of those provisions of the bill which provide for the exclusion of Chinese coolies from the Philippines and Hawaii. Hawaii already has a most serious problem in her large Asiatic population, and it should not be added to by a single individual by immigration.

In the Philippines the people of those islands should be left to work out their own salvation under our guidance without the competition of hordes of Chinese. It is true that their presence there in large numbers might assist in the rapid development of some classes of projects, but we might better run the risk of less rapid development than invite the danger of further complication by large Chinese immigration.

I am thankful, Mr. Chairman, that our portals are to be still more safely guarded against the coming of the yellow peril. I have no fear that continued exclusion will affect in any way our trade with China; but if it should, it were infinitely better that we never sold China a dollar's worth of merchandise or produce than that we should degrade our people by compelling them to compete with coolie labor or endanger our institutions by an influx of hordes of the heathen Chinese. [Applause.]

Mr. BOREING. Mr. Chairman, in the very few words that I have to speak on the pending measure I can not say that I either desire or expect to change the views or the vote of any member of the House, because I believe for once we are all practically agreed as to the enactment of a very unusual law. The United States has always been and is to-day the habitation of a free people and the home of reform, whose Government desires to establish trade relations with all countries, and whose missionaries seek to convert the heathen in all lands. We must therefore have the best of reasons for excluding any class of people from the advantages afforded by American institutions.

Hence, Mr. Chairman, it may become necessary for the members of this Congress to give to their constituency and to the country their reasons for passing such a bill as is proposed by either the majority or the minority report of the committee. As for myself, I shall support the majority report with such amendments as the Committee of the Whole House may recommend. In so doing I do not, in my opinion, commit an unfriendly act toward the Government of China, because I draw the line, not upon nationality, but upon character.

I do not believe that this country has ever been as strict in the enactment and enforcement of emigration laws as it ought to have been. If I had my way about it we would require of every foreign-born person who seeks either residence or citizenship among us a certificate of character from the country from which he emigrates, disclosing his antecedents. This would not only tend to protect society, but would tend to prevent the assassination of our Presidents.

In my estimation this legislation is in the defense of our homes and our people. I mean the homes of our farmers, mechanics, and wage earners, as well as the homes of our business and professional people. In the American home, the school, and the church are taught and developed virtue, intelligence, courage, and patriotism. These are the elements that make up American character, all of which are totally wanting in that class of Chinese who are excluded by this bill. This evil is intensified by the fact that this undesirable class of people are brought here under contracts both

mercenary and vicious, to compete with our laboring class of people, in whose homes are taught the virtue and courage that make up American manhood and womanhood.

I will never consent, Mr. Chairman, to any legislation in this country that lowers the standard of labor or the laborer. It is the testimony and the experience of the representatives and people of California and other localities that have been made the dumping ground of these harlots and criminals that they as well as the merchant class of Chinamen are not attracted by the forms of our Government, have no sympathy with our institutions, no intelligent appreciation of the American womanhood; that they bring with them to this country a deep-seated moral leprosy (worse than the physical leprosy that they leave behind) which tarnishes American society, undermines American civilization, and is detrimental to the morality and progress of our people. For these and other reasons I favor the proposed legislation and in so doing I am quite sure I reflect the sentiments of my constituents, because we only fix a standard for immigrants that we require of our own people, and cast no reflection upon the better class of the Chinese population and offer no offense to the Chinese Government.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Montana, Mr. CLARK of Wyoming, and Mr. KEARNS as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendment, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 7018. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10117. An act granting a pension to Sarah H. H. Lowe; and

H. R. 184. An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.

CHINESE EXCLUSION.

The committee resumed its session.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After the word "Treasury," line 23, page 29, add "which shall provide effectually for the deportation of such Chinese as soon as their participation in such fair or exposition is completed."

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not wish to take the time of the committee in discussing this amendment. I desire only to say that it is to prevent scandals occurring again as have been found when Chinese came to participate in Chinese villages and were sold after the exhibition had closed. There does not seem to be any objection to the measure, as it will only strengthen the section.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. CLARK. I move to strike out the last word. The situation about this bill is this: The majority reported the bill; the Democratic minority reported a substitute, making the provisions more drastic. Every single solitary amendment that has been offered or adopted here to-day was contained in that Democratic substitute. Having got into the bill by way of amendment what we started to get into it, we shall not press the substitute, because we have already accomplished our object of making the bill stronger and more effective. [Applause on the Democratic side.]

Mr. HITT. Mr. Chairman, in further support of the gentleman's motion to strike out the last word, and that I may have the last word, I will add to what he says that I had not heard before that there was such a question—

The CHAIRMAN. The gentleman from Illinois of course means in opposition?

Mr. HITT. I will change the statement. I will oppose his motion to strike out the last word, my purpose being to secure the last word for myself. [Laughter.]

In the preparation of this bill the patient, long-continued, and

sincere labors of all the members of the committee were earnestly given, including those of the gifted and patriotic gentleman from Missouri, not then in the state of mind into which he found himself let down by political needs, nor willing "to party give up what was meant for mankind." We all worked together, and we wrought out a bill with much consultation and conciliatory yielding, without a single dissenting vote, without a single vote against its conclusions.

Afterwards the gentleman who had agreed to this bill, and helped make it, brought into the House and presented here the Senate committee's revision of the Kahn bill, the same original bill on which we had worked, but changed in the committee room of the Senate. We had an impression that the House committee was expected by this House to do some work and report it. We did not suppose a bill was to be reported to this House by the Senate committee. From the first hour we began work on the bill we have considered it with the aid of the members of the House from the Pacific coast, who were invited in, they having no members on our committee.

These gentlemen, and those representing the various interests of labor and industry in all forms, appeared before the committee in the three weeks of hearings given. The result was that we were in a very tolerant frame of mind and endeavored to consult and learn from all who were interested. I heard nothing about Republicans and nothing about Democrats. For myself I must say that I have witnessed the work of your Committee on Foreign Affairs for twenty years, and known it when the country was alternately under the administration of Democrats and Republicans, but this is the first time in considering foreign affairs that I have heard of a Democratic minority of that committee [applause] or have heard it from the committee upon the floor of this House.

Mr. Blount, long our chairman, was a staunch Democrat, a hard pan Democrat, always zealous for his party on party questions, and we honored him for it; but if a stranger had been in these galleries when matters from the Committee on Foreign Affairs were being discussed by Blount in the House, strenuous as he was, no one could have told whether that noble American was a Democrat or a Republican. [Loud applause].

The gentlemen who compose this committee have endeavored in this bill, and will always endeavor, to frame legislation in that same spirit; and I feel sure that hereafter my amiable friend from Missouri will cordially help us.

Mr. MERCER. Does the gentleman know of any objection to this legislation?

Mr. HITT. There is really no objection among the members of the House to this legislation. It has not been possible to find pairs for gentlemen who had to be absent from the expected vote, because all were for the bill.

I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOOPY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031 and instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments?

A separate vote not being demanded, the amendments were submitted to the House in gross, and agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the bill had passed.

Mr. KLEBERG. I call for a division.

Mr. HITT. I make the point of order that the call came too late, that the result had been announced. I move to reconsider the vote by which the bill was passed, and move that that motion be laid on the table.

The SPEAKER. The result was announced, and no gentleman rose in his seat to demand a division.

The motion of Mr. HITT to lay on the table the motion to reconsider the vote by which the bill was passed was then agreed to.

REPRINT.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 12765) relating to reciprocity with Cuba, and also the report and the views of the minority.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of the bill H. R. 12765, together with the report and the views of the minority. Is there objection? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in all the Senate amendments to the Indian appropriation bill and ask for a conference thereon by the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the table the Indian appropriation bill, nonconcur in the amendments of the Senate, and to ask for a conference thereon. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

CHARTERS OF NATIONAL BANKS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 176) to provide for the extension of the charters of national banks.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the act of July 12, 1882, to extend for a further period of twenty years the charter of any national banking association extended under said act which shall desire to continue its existence after the expiration of its charter.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, I object.

Mr. FOWLER. Mr. Speaker, I move to suspend the rules and pass the bill. It is simply for the extension of the bank charters.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. FOWLER. I ask unanimous consent that the second be considered as ordered.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if he was instructed by the committee to make the motion?

Mr. FOWLER. Yes; I was.

Mr. RICHARDSON of Tennessee. And the Chair holds that this is in order to-day, I understand?

The SPEAKER. This is an individual suspension. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object, Mr. Speaker.

The SPEAKER. The Chair will appoint the gentleman from New Jersey [Mr. FOWLER] and the gentleman from Tennessee [Mr. RICHARDSON] as tellers.

The House divided; and the tellers reported 90 ayes and 47 noes; so a second was ordered.

The SPEAKER. The gentleman from New Jersey has twenty minutes and the gentleman from Tennessee twenty minutes.

Mr. FOWLER. Mr. Speaker, only one object is covered by this bill and that is to extend the charters of national banks. There are, according to the report of the Comptroller of the Currency, a list of 280 banks, with an aggregate capital of \$66,853,300, whose corporate existence will reach their termination for the second time during the years 1902-1903.

The date of the first expiration is July 14, 1902. It is evident that it is a matter of the highest importance that the charters of these banks be extended, because the rights and privileges that have grown up under these present charters are of great value. Another reason is that if they liquidate great expense will be incurred and great loss must be necessarily borne by the stockholders of these corporations. I do not know that I care to say anything further now upon the bill. I will reserve the balance of my time until the gentlemen on the other side consume theirs.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, the only purpose of this bill is to allow national banks now existing and whose charters will expire during this and the early part of next year to extend their charters. Under the law they might liquidate and reincorporate. In order to prevent the necessity of the liquidation of so many banks, and forcing the collection of the paper and disturbing the business conditions, this bill simply allows them to extend their corporate existence for twenty years instead of liquidating and reincorporating.

I see no difficulty in the matter. I voted for the bill in the committee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not care to occupy any time, but I will yield to the gentleman from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Speaker, I only wish to state that as a Democrat who subscribes to the platform of the Democratic party, which embodies also my individual convictions, I can not follow those members of the minority who have signed this report. I do not believe individually, nor does the party with which I stand, approve of national banks as banks of issue.

If we are to extend with each recurring Congress banks of issue for twenty years to come, I am at loss to understand how the

time will ever come when we shall restore to the Government of the United States the power to control the circulation, issue currency, and coin the money of the country, a function that I believe should vest exclusively in the National Government and never be surrendered to private corporations. It is no answer to this objection to say that banks can reorganize and recharter under existing laws. Let the Republican party, which is responsible for national banks of issue, take the responsibility for all legislation looking to their continuance and the enlargement of their privileges. Personally I do not think Democrats should vote for any proposition in line with Republican policies.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SMITH of Kentucky) there were—ayes 85, noes 40.

Mr. BALL of Texas and Mr. KLEBERG. The yeas and nays, Mr. Speaker.

Mr. PIERCE. No quorum, Mr. Speaker.

The SPEAKER. The demand for the yeas and nays has not been withdrawn and that is the matter before the House. Twenty-three gentlemen rising, not a sufficient number, and the yeas and nays are refused.

Mr. PIERCE. No quorum, Mr. Speaker.

The SPEAKER (after counting). One hundred and sixty-one members present, not a quorum.

Mr. BALL. Mr. Speaker, I move that the House do now adjourn.

The question was taken on a division demanded by Mr. SMITH of Kentucky and Mr. BALL of Texas.

The SPEAKER. On this question the ayes are 53 and the noes 103. There not being a quorum present, the Chair orders the doors closed and the yeas and nays will be called, so that members can vote as their names are called or be marked present. The question is on suspending the rules and passing the bill. Those in favor will vote "aye" and those opposed will vote "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 116, nays 48, answered "present" 18, not voting 174; as follows:

YEAS—116.

| | | | |
|----------------|----------------|----------------|------------------|
| Adams, | Evans, | Knapp, | Perkins, |
| Allen, Me. | Fleming, | Kyle, | Prince, |
| Aplin, | Lordney, | Lacey, | Pugsley, |
| Bingham, | Foss, | Lessler, | Ray, N. Y. |
| Bishop, | Foster, Vt. | Lewis, Pa. | Reeves, |
| Bowersock, | Fowler, | Littlefield, | Russell, |
| Burke, S. Dak. | Gaines, W. Va. | Long, | Scott, |
| Burkett, | Gardner, Mich. | Loud, | Sherman, |
| Burton, | Gardner, N. J. | McCleary, | Sibley, |
| Butler, Pa. | Gibson, | McClellan, | Smith, Ill. |
| Calderhead, | Gillet, N. Y. | McDermott, | Smith, Iowa. |
| Cannon, | Gillett, Mass. | Martin, | Smith, S. W. |
| Conner, | Graff, | Mercer, | Smith, Wm. Alden |
| Coombs, | Graham, | Meyer, La. | Southwick, |
| Cooper, Wis. | Green, Pa. | Minor, | Sperry, |
| Corliss, | Greene, Mass. | Mondell, | Stevens, Minn. |
| Cousins, | Grow, | Moody, Mass. | Stewart, N. Y. |
| Cromer, | Hall, | Moody, Oreg. | Storm, |
| Currier, | Hamilton, | Morris, | Sutherland, |
| Curtis, | Haugen, | Needham, | Tawney, |
| Cushman, | Hedge, | Nevin, | Taylor, Ohio |
| Dahle, | Hemenway, | Olmsted, | Thomas, Iowa |
| Dalzell, | Hepburn, | Otjen, | Tompkins, N. Y. |
| Darragh, | Hill, | Padgett, | Tongue, |
| Dayton, | Hitt, | Palmer, | Vreeland, |
| Douglas, | Hughes, | Parker, | Warner, |
| Dovener, | Jones, Wash. | Patterson, Pa. | Weeks, |
| Emerson, | Kahn, | Payne, | Woods, |
| Esch, | Ketcham, | Pearre, | The Speaker. |

NAYS—48.

| | | | |
|------------|----------------|-------------------|-----------------|
| Ball, Tex. | Griffith, | Lloyd, | Robinson, Nebr. |
| Bowie, | Hooker, | McLain, | Selby, |
| Breazeale, | Howard, | Maddox, | Sims, |
| Burgess, | Jackson, Kans. | Mickey, | Smith, Ky. |
| Burleson, | Johnson, | Miers, Ind. | Stark, |
| Burnett, | Jones, Va. | Moon, | Tate, |
| Candler, | Kehoe, | Pou, | Underwood, |
| Clayton, | Kleberg, | Randell, Tex. | Vandiver, |
| De Armond, | Lassiter, | Rhea, Va. | Wiley, |
| Flood, | Latimer, | Richardson, Ala. | Williams, Ill. |
| Fox, | Lindsay, | Richardson, Tenn. | Williams, Miss. |
| Glenn, | Little, | Robinson, Ind. | Zenor. |

ANSWERED "PRESENT"—18.

| | | | |
|----------|----------|-------------|--------------|
| Boring, | Irwin, | Overstreet, | Smith, H. C. |
| Clark, | Lever, | Pierce, | Wanger, |
| Crowley, | Mahon, | Salmon, | Watson. |
| Finley, | Mann, | Shafroth, | |
| Griggs, | Metcalf, | Small, | |

NOT VOTING—174.

| | | | |
|------------|------------|------------|--------------|
| Acheson, | Bates, | Brick, | Butler, Mo. |
| Adamson, | Beidler, | Bristow, | Caldwell, |
| Alexander, | Bell, | Bromwell, | Capron, |
| Allen, Ky. | Bellamy, | Broussard, | Cassel, |
| Babcock, | Belmont, | Brown, | Cassingham, |
| Ball, Del. | Benton, | Brownlow, | Cochran, |
| Bankhead, | Blackburn, | Brundidge, | Connell, |
| Barney, | Blakeney, | Bull, | Conry, |
| Bartholdt, | Boutell, | Burk, Pa. | Cooney, |
| Bartlett, | Brantley, | Burleigh, | Cooper, Tex. |

| | | | |
|----------------|-----------------|------------------|----------------|
| Cowherd, | Henry, Miss. | Maynard, | Showalter, |
| Creamer, | Henry, Tex. | Miller, | Skiles, |
| Crumpacker, | Hildebrandt, | Moody, N. C. | Slayden, |
| Cummings, | Holliday, | Morgan, | Snodgrass, |
| Davey, La. | Hopkins, | Morrell, | Snook, |
| Davidson, | Howell, | Moss, | Southard, |
| Davis, Fla. | Hull, | Mudd, | Sparkman, |
| De Graffenreid | Jack, | Mutchler, | Spight, |
| Deemer, | Jackson, Md. | Naphen, | Steele, |
| Dick, | Jenkins, | Neville, | Stephens, Tex. |
| Dinsmore, | Jett, | Newlands, | Stewart, N. J. |
| Dougherty, | Joy, | Norton, | Sulloway, |
| Draper, | Kern, | Otey, | Sulzer, |
| Driscoll, | Kitchin, Claude | Patterson, Tenn. | Swanson, |
| Eddy, | Kitchin, Wm. W. | Powers, Me. | Talbert, |
| Edwards, | Kluttz, | Powers, Mass. | Taylor, Ala. |
| Elliot, | Knox, | Ransdell, La. | Thayer, |
| Feely, | Lamb, | Reeder, | Thomas, N. C. |
| Fitzgerald, | Landis, | Reid, | Thompson, |
| Fletcher, | Lanham, | Rixey, | Tirrell, |
| Foerderer, | Lawrence, | Robb, | Tompkins, Ohio |
| Poster, Ill. | Lester, | Roberts, | Trimble, |
| Gaines, Tenn. | Lewis, Ga. | Robertson, La. | Van Voorhis, |
| Gilbert, | Littauer, | Rucker, | Wachter, |
| Gill, | Livingston, | Rumple, | Wadsworth, |
| Goldfogle, | Loudenslager, | Ruppert, | Warnock, |
| Gooch, | Lovering, | Ryan, | Wheeler, |
| Gordon, | McAndrews, | Scarborough, | White, |
| Grosvenor, | McCall, | Schirm, | Wilson, |
| Hanbury, | McCulloch, | Shackleford, | Wooten, |
| Haskins, | McLachlan, | Shallenberger, | Wright, |
| Hay, | McRae, | Shattuc, | Young. |
| Heatwole, | Mahoney, | Shelden, | |
| Henry, Conn. | Marshall, | Sheppard, | |

During the roll call the following proceedings took place:

Mr. RICHARDSON of Tennessee. I rise to a parliamentary inquiry. I wish to ask whether the Chair ordered the call of the roll on the motion to adjourn or upon the motion to suspend the rules and pass the bill?

The SPEAKER. Upon the motion to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. What became of the demand of the gentleman from Texas [Mr. BALL] for the yeas and nays on his motion to adjourn?

The SPEAKER. There was no such demand made.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Texas to call the yeas and nays on his motion to adjourn.

The SPEAKER. He did not. The Clerk will proceed with the call of the roll.

The Clerk resumed the call.

Mr. BALL of Texas (interrupting the roll call). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The roll call can not be interrupted; the gentleman is out of order.

Mr. BALL of Texas. On a question of personal privilege am I not in order?

The SPEAKER. Not while the roll is being called. The Clerk will proceed.

The call of the roll was resumed and concluded.

The SPEAKER (at the close of the roll call) directed that his name be called, and voted "aye."

Mr. OLMSTED. I desire to present an excuse for the absence of my colleague, Mr. CONNELL. He has been called home by illness in his family. If present, he would vote "aye."

Mr. OVERSTREET. I have a general pair with the gentleman from Missouri, Mr. COWHERD. I desire, therefore, to withdraw my vote, which was cast in the affirmative, and to answer "present."

Mr. LEVER. Mr. Speaker, I have voted "no" on this question, but as I am paired with the gentleman from Ohio, Mr. HILDEBRANT, I desire to withdraw my vote and be marked "present."

Mr. CROWLEY. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr. BULL. Having voted "no," I desire now to withdraw my vote and be marked "present."

Mr. METCALF. Mr. Speaker, having voted in the affirmative, I desire now to withdraw my vote, as I have a general pair with the gentleman from Kentucky, Mr. WHEELER. I ask to be recorded "present."

Mr. WATSON. Mr. Speaker, I have voted "aye;" but as I am paired with the gentleman from Georgia, Mr. LIVINGSTON, I ask to withdraw my vote and to be recorded "present."

Mr. PIERCE. Mr. Speaker, I have learned that my colleague, Mr. BROWNLOW, with whom I have a general pair, is out of the city. I therefore desire to withdraw my vote and be recorded "present." If my colleague were here, I should vote "no."

The SPEAKER. The last statement of the gentleman is not in order.

Mr. CLARK. I have just ascertained that the gentleman from Indiana, Mr. LANDIS, with whom I am paired, did not vote on this question. I therefore desire to withdraw my vote, which was cast in the negative, and be marked "present."

The Clerk announced the following pairs:

Until further notice:

Mr. STEELE with Mr. COOPER of Texas.
Mr. GROSVENOR with Mr. SNOOK.
Mr. BARNEY with Mr. MCRAE.
Mr. SHATTUC with Mr. RUCKER.
Mr. IRWIN with Mr. GOOCH.
Mr. BOUTELL with Mr. GRIGGS.
Mr. LANDIS with Mr. CLARK.
Mr. STEWART of New Jersey with Mr. SALMON.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. EDDY with Mr. SHEPPARD.
Mr. HULL with Mr. WILLIAM W. KITCHIN.
Mr. MCCALL with Mr. STEPHENS of Texas.
Mr. POWERS of Maine with Mr. CONRY.
Mr. SCHIRM with Mr. CLAUDE KITCHIN.
Mr. SHELDEN with Mr. SPIGHT.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. JENKINS with Mr. LANHAM.
Mr. CAPRON with Mr. JETT.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. OVERSTREET with Mr. COWHERD.
Mr. BROWNLOW with Mr. PIERCE.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. SKILES with Mr. TALBERT.
Mr. RUMPLE with Mr. THOMPSON.
Mr. DEEMER with Mr. MUTCHLER.
Mr. WANGER with Mr. ADAMSON.

For the day:

Mr. WADSWORTH with Mr. MCANDREWS.
Mr. HOWELL with Mr. SHACKLEFORD.
Mr. ACHESON with Mr. DOUGHERTY.
Mr. BEIDLER with Mr. SHALLENBERGER.
Mr. BABCOCK with Mr. RUPPERT.
Mr. BLACKBURN with Mr. KLUTTZ.
Mr. MCLACHLAN with Mr. GOLDFOGLE.
Mr. HILDEBRANDT with Mr. LEVER.
Mr. ALEXANDER with Mr. SHAFROTH.
Mr. FOERDERER with Mr. SULZER.
Mr. HEATWOLE with Mr. BRANTLEY.
Mr. JACK with Mr. FINLEY.
Mr. FOWLER with Mr. BARTLETT.
Mr. BURK of Pennsylvania with Mr. ELLIOTT.
Mr. MUDD with Mr. HENRY of Texas.
Mr. BARTHOLDT with Mr. KERN.
Mr. DICK with Mr. BELMONT.
Mr. SULLOWAY with Mr. SNODGRASS.
Mr. WRIGHT with Mr. LESTER.
Mr. WATSON with Mr. LIVINGSTON.
Mr. LAWRENCE with Mr. BELL.
Mr. FLETCHER with Mr. BANKHEAD.
Mr. BATES with Mr. BELLAMY.
Mr. BALL of Delaware with Mr. ALLEN of Kentucky.
Mr. WACHTER with Mr. SMALL.
Mr. BRICK with Mr. BRUNDIDGE.
Mr. BLAKENEY with Mr. BROUSSARD.
Mr. BRISTOW with Mr. BUTLER of Missouri.
Mr. BROWN with Mr. CALDWELL.
Mr. BURLEIGH with Mr. SPARKMAN.
Mr. CASSEL with Mr. COCHRAN.
Mr. CONNELL with Mr. COONEY.
Mr. CRUMPACKER with Mr. LAMB.
Mr. DAVIDSON with Mr. DINSMORE.
Mr. DRAPER with Mr. DAVIS of Florida.
Mr. DRISCOLL with Mr. FITZGERALD.
Mr. GILL with Mr. FOSTER of Illinois.
Mr. HENRY of Connecticut with Mr. GAINES of Tennessee.
Mr. HANBURY with Mr. HAY.
Mr. HASKINS with Mr. HENRY of Mississippi.
Mr. HOLLIDAY with Mr. MCCULLOCH.
Mr. HOPKINS with Mr. MAHONEY.
Mr. JACKSON of Maryland with Mr. MAYNARD.
Mr. KNOX with Mr. NAPHEEN.
Mr. LITTAUER with Mr. NORTON.
Mr. MARSHALL with Mr. PATTERSON of Tennessee.
Mr. MILLER with Mr. RANDELL of Louisiana.
Mr. MOODY of North Carolina with Mr. REID.
Mr. MORRELL with Mr. RIXEY.
Mr. MORGAN with Mr. ROBB.
Mr. POWERS of Massachusetts with Mr. ROBERTSON of Louisiana.
Mr. REEDER with Mr. RYAN.
Mr. ROBERTS with Mr. SWANSON.
Mr. TIRRELL with Mr. THAYER.
Mr. SOUTHARD with Mr. WILSON.
Mr. MOSS with Mr. NEWLANDS.
Mr. WARNOCK with Mr. FEELY.
Mr. TOMPKINS of Ohio with Mr. THOMAS of North Carolina.

For the session:

Mr. COOMBS with Mr. DAVEY of Louisiana.
Mr. BULL with Mr. CROWLEY.
Mr. MAHON with Mr. OTEY.
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. BOREING with Mr. TRIMBLE.
Mr. YOUNG with Mr. BENTON.
For this vote:
Mr. GRAHAM with Mr. SCARBOROUGH.
Until Wednesday:
Mr. JOY with Mr. CUMMINGS.
Until the 18th:
Mr. LOVERING with Mr. LEWIS of Georgia.
The result of the vote was announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7990. An act granting an increase of pension to Uriah Reams;
H. R. 10044. An act granting an increase of pension to William Larzalere;
H. R. 11381. An act granting an increase of pension to Abraham N. Bradfield;
H. R. 10193. An act granting an increase of pension to John Hollister;
H. R. 10363. An act to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina;
H. R. 9821. An act granting a pension to John W. Moore;
H. R. 1706. An act granting an increase of pension to John E. White;
H. R. 6466. An act granting a pension to Josephine M. Dustin;
H. R. 3180. An act granting an increase of pension to Edward S. Dickenson;
H. R. 6713. An act granting an increase of pension to Freeman R. E. Chanaberry;
H. R. 5413. An act granting an increase of pension to Alfred H. Van Vliet;
H. R. 1011. An act granting an increase of pension to John S. Raulett;
H. R. 3418. An act granting a pension to Dennis Dyer;
H. R. 6029. An act granting an increase of pension to Mary E. Kelly;
H. R. 11409. An act to authorize the construction of a traffic bridge across the Savannah River, etc.;
H. R. 11375. An act granting a pension to Charles F. Merrill;
H. R. 10289. An act granting a pension to Eliza Stewart;
H. R. 9301. An act granting an increase of pension to Barbara McDonald;
H. R. 3084. An act for the relief of bona fide settlers in forest reserves;
H. R. 2120. An act granting an increase of pension to Horatio N. Warren; and
H. R. 2124. An act granting an increase of pension to Dewit C. McCoy.

ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FOERDERER, for four days, on account of important business.

Then, on motion of Mr. PAYNE (at 5 o'clock and 48 minutes), the House adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the secretary of the American National Red Cross, transmitting the annual report for the year ended December 31, 1901—to the Committee on Foreign Affairs, and ordered to be printed, except accompanying pamphlet.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ella Adamson, administratrix of estate of Frederick Read, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURKE of South Dakota, from the Committee on Mines and Mining, to which was referred the bill of the Senate (S. 156) to provide for the payment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims, reported the same without amendment, accompanied by a report (No. 1467); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the Senate (S. 8057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, reported the same with amendments, accompanied by a report (No. 1468); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11173), reported in lieu thereof a substitute (H. R. 13405), authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, accompanied by a report (No. 1469); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13328) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported the same without amendment, accompanied by a report (No. 1473); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8840) granting an increase of pension to J. H. Lauchley, reported the same with amendments, accompanied by a report (No. 1426); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 962) granting a pension to Rodney W. Anderson, reported the same with amendment, accompanied by a report (No. 1427); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8145) granting an increase of pension to Harvey B. Linton, reported the same with amendment, accompanied by a report (No. 1428); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6063) granting an increase of pension to John Brill, reported the same with amendments, accompanied by a report (No. 1429); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9950) granting an increase of pension to Moses Whitcomb, reported the same with amendment, accompanied by a report (No. 1430); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7041) granting an increase of pension to Thomas J. Pleasant, reported the same with amendment, accompanied by a report (No. 1431); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2817) granting a pension to John Beeson, reported the same with amendments, accompanied by a report (No. 1432); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11051) granting an increase of pension to Henry E. Williams, reported the same with amendments, accompanied by a report (No. 1433); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7367) granting a pension to Ellen D. Campbell, reported the same with amendment, accom-

panied by a report (No. 1434); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13146) granting an increase of pension to Charles H. Helmcamp, reported the same with amendment, accompanied by a report (No. 1435); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2486) granting an increase of pension to William Matthews, reported the same with amendment, accompanied by a report (No. 1436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1528) granting an increase of pension to Charles Dalrymple, reported the same without amendment, accompanied by a report (No. 1437); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12148) granting an increase of pension to Frederick O. Clark, reported the same with amendment, accompanied by a report (No. 1438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9544) granting an increase of pension to George W. Barry, reported the same with amendments, accompanied by a report (No. 1439); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2660) granting an increase of pension to Henry Runnebaum, reported the same with amendment, accompanied by a report (No. 1440); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10795) granting an increase of pension to William A. Campbell, reported the same without amendment, accompanied by a report (No. 1441); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13037) granting an increase of pension to Frank W. Anderton, reported the same with amendments, accompanied by a report (No. 1442); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11783) granting an increase of pension to Charles M. Montgomery, reported the same with amendments, accompanied by a report (No. 1443); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9819) granting an increase of pension to Robert A. Pinn, reported the same with amendment, accompanied by a report (No. 1444); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10899) granting an increase of pension to William Warner, Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 1445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12995) granting an increase of pension to John Lilley, reported the same with amendments, accompanied by a report (No. 1446); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4451) granting an increase of pension to George K. Thompson, reported the same with amendments, accompanied by a report (No. 1447); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3524) granting an increase of pension to Frederick A. Slocum, reported the same with amendments, accompanied by a report (No. 1448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7110) granting an increase of pension to Mrs. B. F. Power, reported the same with amendments, accompanied by a report (No. 1449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12977) granting an increase of pension to William L. Church, reported the same with amendment, accompanied by a report (No. 1450); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6897) granting an increase of pension to William G. Buchanan, reported

the same with amendments, accompanied by a report (No. 1451); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1238) granting a pension to Margaret A. Stuart, reported the same with amendments, accompanied by a report (No. 1452); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12683) granting a pension to Sarah L. Bates, reported the same with amendment, accompanied by a report (No. 1453); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3262) granting an increase of pension to David T. Bruck, reported the same with amendment, accompanied by a report (No. 1454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11170) granting an increase of pension to William Kunselman, reported the same without amendment, accompanied by a report (No. 1455); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12770) granting a pension to Carrie M. Schofield, reported the same with amendments, accompanied by a report (No. 1456); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3323) to pension Daniel L. Mallicoat, reported the same with amendments, accompanied by a report (No. 1457); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 721) granting an increase of pension to Lavalette D. Dickey, reported the same without amendment, accompanied by a report (No. 1458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12239) granting an increase of pension to Agnes Clark, reported the same with amendments, accompanied by a report (No. 1459); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1745) granting an increase of pension to Marvin Chandler, reported the same with amendment, accompanied by a report (No. 1460); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7507) granting an increase of pension to James M. Ashley, reported the same with amendments, accompanied by a report (No. 1461); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12446) granting a pension to Mary Shearer, reported the same with amendments, accompanied by a report (No. 1462); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2849) to increase the pension of Charles S. Ely, reported the same with amendments, accompanied by a report (No. 1463); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3592) for the relief of Henry Lane, reported the same without amendment, accompanied by a report (No. 1464); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 3385) for the relief of George C. Ellison, reported the same without amendment, accompanied by a report (No. 1465); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 8133) to grant authority and jurisdiction to the Court of Claims, reported the same without amendment, accompanied by a report (No. 1466); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 363) for the relief of the University of Kansas, reported the same without amendment, accompanied by a report (No. 1470); which said bill and report were referred to the Private Calendar.

Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 7792) for the relief of John L. Young, reported the same with amendment, accompanied by a

report (No. 1471); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 11007) for the relief of Capt. Herman C. Schumm, reported the same without amendment, accompanied by a report (No. 1472); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 10775) for the relief of Charles E. Sapp, reported the same without amendment, accompanied by a report (No. 1478); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others, reported the same with amendments, accompanied by a report (No. 1479); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 2909) for the relief of Rev. George W. C. Smith, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 13404) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 13405) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, as a substitute for H. R. 11173—to the House Calendar.

By Mr. MORRIS: A bill (H. R. 13432) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

By Mr. BULL: A bill (H. R. 13433) providing for the retirement of petty officers and enlisted men of the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 13434) to provide for an increase in the Pay Corps of the Navy—to the Committee on Naval Affairs.

By Mr. BATES: A bill (H. R. 13438) to promote the efficiency of the clerical service in the Navy of the United States, to organize a clerical corps of the Navy of the United States, to define its duties, and regulate its pay—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 13444) relating to the retirement of officers of the Army who served previous to April 9, 1865—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits—to the Committee on the District of Columbia.

By Mr. THAYER: Resolution (H. Res. 203) that the Attorney-General be requested to inform the House of Representatives what steps have been taken toward investigating the beef trust—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial from the legislature of Colorado, against retirement of greenbacks—to the Committee on Banking and Currency.

By Mr. BELL: Memorial of the Colorado legislature concerning the Philippine Islands—to the Committee on Insular Affairs.

Also, memorial of the Colorado legislature against retirement of greenbacks—to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 13406) granting an increase of pension Edmon H. Short—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13407) to remove the charge of desertion from the military record of Silas Nicholson—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 13408) granting a pension to Andrew Switzer—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 13409) to remove the

charge of desertion from the military record of Thomas D. Franklin—to the Committee on Military Affairs.

Also, a bill (H. R. 13410) granting an increase of pension to Philip Hawn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13411) granting an increase of pension to Clarence D. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13412) granting an increase of pension to Jacob L. Etnire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) granting an increase of pension to William H. Clark—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13414) granting a pension to Mrs. E. M. Campdoras—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13415) granting an increase of pension to Jacob F. Denneler—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 13416) granting an increase of pension to Mrs. Isabella H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13417) granting an increase of pension to Zebulon M. Burns—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13418) granting an increase of pension to Lilian T. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13419) granting a pension to Florence R. Russell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 13420) to pay Velvia Tucker arrears of pension due her father, William N. Tucker—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 13421) for the relief of William S. Hoskins—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 13422) for the relief of Henry Newman—to the Committee on Claims.

By Mr. KEHOE: A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 13424) granting an increase of pension to Edward F. Hassett—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13425) granting an increase of pension to William B. Padgett—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 13426) for the relief of H. M. Dickson, William T. Mason, the Dickson-Mason Lumber Company, and D. L. Boyd—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 13427) granting an increase of pension to Daniel Foley—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13428) for relief of James W. Hardin and to remove charge of desertion—to the Committee on Military Affairs.

By Mr. REID (by request): A bill (H. R. 13429) to remove charge of desertion against James H. Tilley—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 13430) granting an increase of pension to Jacob H. Hege—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13431) granting an increase of pension to David W. Reed—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13435) granting an increase of pension to Ira Waldo—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13436) granting an increase of pension to Charles A. Adams—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13437) granting an increase of pension to Samuel W. Overman—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13439) granting an increase of pension to William Blanchard—to the Committee on Invalid Pensions.

By Mr. DAHLE: A bill (H. R. 13440) granting an increase of pension to John W. Roberts—to the Committee on Invalid Pensions.

By Mr. GILLETT of New York: A bill (H. R. 13441) granting an increase of pension to W. W. Winegar—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 13442) granting a pension to John Eskew—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13443) granting a pension to Sarah G. Williams—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Holbrook Lodge No. 378, Brotherhood of Locomotive Firemen, of McKees Rocks, Pa.,

favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. APLIN: Resolutions of Michigan State Grange, Patrons of Husbandry, against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Brotherhood of Railroad Trainmen No. 562, Alpena, Mich., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Petition of citizens of Hillsboro, Wis., urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. BARTLETT: Resolutions of the mayor and council of the city of Valdosta, Ga., favoring House bill 12205, to establish a United States circuit and district court at Valdosta—to the Committee on the Judiciary.

By Mr. BELL: Resolutions of the Labor Union of Cripple Creek, Colo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of citizens of Alcester, S. Dak., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BURLESON: Resolutions of Retail Clerks' Union No. 458, of Taylor, Tex., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CURRIER: Petition of the Woman's Christian Temperance Union of Colebrook, N. H., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. CRUMPACKER: Petition of Polish Society of Michigan City, Ind., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, petition of Cigar Makers' Union No. 335, of Hammond, Ind., against a reciprocity treaty with Cuba—to the Committee on Ways and Means.

By Mr. CURTIS: Resolution of Department of Kansas, Grand Army of the Republic, favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, protest of business men of Corning and Leona, Kans., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Division No. 28, Order of Railway Conductors, Atchison, Kans., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Retail Clerks' Union of Horton, Kans., and division No. 28, Order of Railway Conductors, of Atchison, Kans., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. DAYTON: Papers to accompany House bill 13417, granting a pension to Zebulon M. Burns—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the National Association of State Dairy and Food departments, for uniform legislation for the conduct of said departments—to the Committee on Agriculture.

By Mr. EDWARDS: Petition of Bricklayers and Masons' Union No. 1, of Butte, Mont., and of Miners' Union No. 45, of Bridger, Mont., favoring a restriction of the immigration of cheap labor from Europe to the United States—to the Committee on Immigration and Naturalization.

Also, resolution of Yellowstone Division, No. 191, Order of Railway Conductors, Glendive, Mont., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Typographical Union No. 255, Anaconda, and Yellowstone Division, No. 191, Order of Railway Conductors, Glendive, Mont., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of Martin R. Delaney Circle, No. 122, Ladies of Grand Army of the Republic, of Allegheny, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

Also, petition of the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of said departments—to the Committee on Agriculture.

By Mr. GREEN of Pennsylvania: Resolutions of Bricklayers' Union No. 15, of Allentown, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Protest of Pomona Grange No. 22, Patrons of Husbandry, of Jefferson County, Ind., against the passage of the ship subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Resolution of United Mine Workers

No. 255, of Dugger, Ind., favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of Brotherhood of Railroad Trainmen No. 297, Toledo, Ohio, and Order of Railway Conductors No. 270, of Youngstown, Ohio, and Trade and Labor Council of Chillicothe, Ohio, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HEPBURN: Resolutions of C. E. Boynton Lodge, No. 13, Brotherhood of Railroad Trainmen, of Eagle Grove, Wright County, Iowa, in support of the bill known as "the Foraker-Corliss safety-appliance bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Petition of R. B. Hayes Post, No. 120, Grand Army of the Republic, Department of Illinois, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. KERN: Petition of sundry citizens of Carlyle, Ill., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Central Trades Labor Assembly of Sparta; Federal Labor Union No. 8533, of Marissa, Ill., and Arnold Lodge, No. 44, Locomotive Firemen, East St. Louis, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of citizens of Ottumwa, Iowa, for the appointment of a commission to investigate equal suffrage—to the Committee on Rules.

By Mr. LINDSAY: Resolution of Levi P. Morton Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Federation of Labor, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MAHON: Resolution of Colonel P. D. Housum Post, No. 309, Grand Army of the Republic, Chambersburg, Pa., in relation to the extension of the post-exchange system—to the Committee on Military Affairs.

Also, resolution of Broad Top Division, No. 158, order of Railway Conductors, Huntingdon, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McRAE: Petition of Adams Division, No. 59, Order of Railway Conductors, of Texarkana, Ark., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MOODY of Massachusetts: Resolutions of Cigar Makers' Union No. 324, Riggers, Tarers, and Scrapers' Union No. 9599, of Gloucester, Mass., and Local Union No. 247, of Salem, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MOODY of North Carolina: Petition of citizens of the State of North Carolina in relation to the claim of Harvey M. Dickson, William T. Mason, The Dickson-Mason Lumber Company, and David L. Boyd against the United States for damages on account of a certain injunction suit brought against said parties by the United States—to the Committee on Claims.

By Mr. MOODY of Oregon: Petition of citizens of Malheur County, Oreg., relative to the leasing of public lands—to the Committee on the Public Lands.

Also, resolution of Miners' Union No. 42, of Bourne, Oreg., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. MOON: Papers to accompany House bill 1269, in behalf of William D. Humbard—to the Committee on Appropriations.

Also, affidavits of R. H. Howard, H. F. Rogers, H. D. Huffaker, T. E. Abernathy, M. D., S. T. Fowler, Henry R. Jordan, and H. J. Springfield, to accompany House bill 8049, for the relief of H. J. Springfield—to the Committee on Invalid Pensions.

By Mr. MORRELL: Memorial by the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of the said departments—to the Committee on Agriculture.

Also, resolutions of Shirt Waist and Laundry Workers' Union of Philadelphia, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBB: Resolutions of Federal Labor Union No. 9402, of Fredericktown, Mo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolutions of Branches Nos. 16, 61, 208, and 344, and St. Valentine Branch, Societies of the Polish National Alliance, all of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SCHIRM: Resolutions of Patapsco Lodge, No. 432; Baltimore, Md., Brotherhood of Locomotive Firemen, favoring the

passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. SHALLENBERGER: Petition of J. C. Den and other citizens of Arapahoe, Nebr., in favor of House bills 170 and 179—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to Samuel L. Brass—to the Committee on Invalid Pensions.

By Mr. STEELE: Resolutions of Martha Washington Circle, No. 21, Ladies of Grand Army of the Republic, Marion, Ind., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

Also, resolutions of Union No. 227, Painters and Decorators, of Hartford City, Ind., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Alabama: Resolutions of Gulf City Lodge, No. 437, Railroad Trainmen, of Mobile, Ala., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WACHTER: Petitions of citizens of Baltimore, Md., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, paper to accompany House bill granting a pension to Morris B. Slawson—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolution of Graham Post, No. 106, Grand Army of the Republic, Pottstown, Pa., favoring the passage of House bill 3087—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting an increase of pension to David W. Reed—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Resolutions of Watkins Post, No. 68, and Captain James Ham Circle, No. 76, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, April 8, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

AMERICAN NATIONAL RED CROSS SOCIETY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the secretary of the American National Red Cross Society, transmitting, pursuant to law, the annual report of that society for the year ended December 31, 1901. The Chair suggests that the communication and accompanying papers be referred to the Committee on Foreign Relations, and that only the typewritten part of the report be printed. Without objection, it will be so ordered.

COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT pro tempore appointed Mr. McCOMAS a director, on the part of the Senate, of the Columbia Hospital for Women and Lying-in Asylum, under the provisions of the act of June 10, 1872.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 176) to provide for the extension of the charters of national banks.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service;